



THE FORT ST. GEORGE GAZETTE

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MADRAS, TUESDAY EVENING, OCTOBER 23, 1917.

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Part I.—Notifications by Government.

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PUBLIC DEPARTMENT.

(Public.)

LEAVE.

Fort St. George, October 18, 1917.

No. 284.—Under article 210 of the Civil Service Regulations Mr. Thomas George Rutherford, I.C.S., privilege leave for one month from the 25th September 1917.

EXTENSION OF LEAVE.

No. 285.—Under article 210 of the Civil Service Regulations Mr. David Geoffrey Blay, I.C.S., an extension of privilege leave not exceeding six weeks.

Fort St. George, October 18, 1917.

No. 286.—Mr. D. H. M. M. I.C.S., has been granted an extension of furlough for two months and twenty days.

APPOINTMENT.

Fort St. George, October 20, 1917.

No. 287.—Mr. Charles Elliot Brown, I.C.S., is appointed to act as Under Secretary to Government, Police Department, during the absence of Mr. K. H. Chatterjee, I.C.S., or until further orders.

(This message clause (4) of Police Department notification No. 574, dated the 4th October 1917, published on page 1164 of Part I of the Fort St. George Gazette, dated the 5th October 1917.)

PUSHPING.

Fort St. George, October 18, 1917.

No. 288.—Mr. Herbert Rex Urdil, I.C.S., acting Sub-Collector and Joint Magistrate, to the Pudukottai District of the Vengalpet division and the Pudukottai agency districts of the Vengalpet Agency District.

PROMOTIONS AND RETIREMENTS.

Port St. George, October 25, 1917.

No. 385.—The following acting promotions and retirements of officers of the Indian Civil Service during the month of September 1917 are notified:—

(With effect from the 1st September 1917.)

- Mr. Julius Mathison, to act as Collector and District Magistrate, first grade.
 Mr. Arthur Marcu Agnew, Collector Gullberg di Caidhies (see privilege here), to act as Collector and District Magistrate, second grade.
 Mr. Harold Hamilton Darwin, to act as Sub-Collector and District Magistrate, second grade.
 Mr. William Scott Brown, to act as Sub-Collector and Joint Magistrate, second grade.

(With effect from the 6th September 1917.)

- Mr. Thomas Austin, to act as Sub-Collector and Joint Magistrate, second grade.
 Mr. William Scott Brown, to revert as acting Sub-Collector and Joint Magistrate, third grade.

(With effect from the 8th September 1917.)

- Mr. Julius Mathison, to revert as Collector and District Magistrate, second grade.
 Mr. Arthur Marcu Agnew, Collector Gullberg di Caidhies (see privilege here), to revert as acting Collector and District Magistrate, third grade.
 Mr. Harold Hamilton Darwin, to revert as acting Collector and District Magistrate, third grade.
 Mr. William Scott Brown, to act as Sub-Collector and Joint Magistrate, second grade.

(With effect from the 10th September 1917.)

- Mr. William Scott Brown, to revert as acting Sub-Collector and Joint Magistrate, third grade.

(With effect from the 17th September 1917.)

- Mr. William Scott Brown, to act as Sub-Collector and Joint Magistrate, second grade.

(With effect from the 18th September 1917.)

- Mr. Charles Alexander Souter, to revert as Sub-Collector and Joint Magistrate, first grade.
 Mr. Thomas Henry Hill, to revert as acting Sub-Collector and Joint Magistrate, second grade.
 Mr. William Scott Brown, to revert as acting Sub-Collector and Joint Magistrate, third grade.

(With effect from the 20th September 1917.)

- Mr. William Scott Brown, to act as Sub-Collector and Joint Magistrate, second grade.

(With effect from the 22nd September 1917.)

- Mr. Arthur Marcu Agnew, Collector Gullberg di Caidhies, to act as Collector and District Magistrate, second grade.
 Mr. Alexander Fotheringham, to revert as Sub-Collector and Joint Magistrate, first grade.
 Mr. Theodore James Tucker, to revert as acting Sub-Collector and Joint Magistrate, second grade.
 Mr. William Scott Brown, to revert as acting Sub-Collector and Joint Magistrate, third grade.

(With effect from the 26th September 1917.)

- Mr. John Forbes Bryant, to revert as Collector and District Magistrate, second grade.
 Mr. Arthur Marcu Agnew, Collector Gullberg di Caidhies, to revert as acting Collector and District Magistrate, third grade.
 Mr. John Gray (see privilege here), to revert as acting Sub-Collector and Joint Magistrate, first grade.
 Mr. Theodore James Tucker, to act as Sub-Collector and Joint Magistrate, second grade.
 Mr. William Scott Brown, to act as Sub-Collector and Joint Magistrate, second grade.
 Mr. Robert Louis McKinnon, to act as Sub-Collector and Joint Magistrate, second grade.

ERRATUM.

Gateshead, October 22, 1912.

In Public Department notification No. 275, dated the 5th October 1917, published on page 1164 of Part I of the Port St. George Gazette, dated the 14th October 1917, the words "Mr. T. Raghunatha Rao here and of" are omitted.

NOTIFICATION.

Port St. George, October 23, 1917.

No. 394.—The following notifications of the Government of India are republished:—

DEPARTMENT OF COMMERCE AND INDUSTRY.

MISCELLANEOUS.

Bombay, the 6th October 1917.

No. 12917.—In pursuance of section 2 of the Transfer of India (Criminal Law Amendment) Act, 1916 (IV of 1916), as subsequently amended, the Governor General in Council is pleased to direct

that the following amendment shall be made in the Defence of India (Consolidation) Rules, 1916, as subsequently amended, namely:—

After rule 11-D, of the said rules, the following rule shall be added, namely:—

" 11 E. (i) No owner of a mine shall without the previous sanction of the Governor-General in Council, transfer such mine or any interest therein to any person other than a British subject or to a foreign-controlled company.

For the purposes of this rule:—

(a) the expression 'British subject' means a person who is a natural-born British subject within the meaning of the British Settlement and Status of Aliens Act, 1914, and includes a subject of a State in India;

(b) the expression 'foreign-controlled company' includes any company, firm or association or body of individuals whether incorporated or not—

(i) which is not established in and subject to the laws of some part of His Majesty's Dominion or of some British Protectorate, and has not its principal place of business therein, or

(ii) of which the majority of the directors or the partners or persons occupying the position of directors or partners by whatever name called are not British subjects, or

(iii) of which the majority of the voting power or the predominant interest is in the hands of persons who are not British subjects or of persons who exercise their voting power as held their interest directly or indirectly on behalf of persons who are not British subjects, or

(iv) of which the control is by any other means whatever in the hands of persons who are not British subjects, or

(v) of which the managing body is a foreign-controlled company, or the majority of the managing body are appointed by a foreign-controlled company;

(c) the expression 'mine' includes a quarry and any mineral deposit or land known or believed to contain a mineral deposit of economic value;

(d) the expression 'person' includes a house or any person having a transferable interest or any agent of such owner, house or person.

(e) (a) Any person to whom a transfer of any mine has been made in contravention of this rule, and

(b) any agent entrusted with the charge, control or management of a mine by or on behalf of such transferee and having reason to believe that such a transfer has been made, who commits such mine or removes any produce or equipment shall be deemed to have contravened these rules.

ARMY DEPARTMENT.

INDIAN DEFENCE FORCE.

Simla, the 24th October 1917.

AGREEMENTS, FURNISHING AND REQUISITION.

The Malwa and Southern Mahratta Railway Sigs.

No. 1718.—Major Samuel Joseph Mirer resigns his commission. Dated the 31st March 1917.

Second Lieutenant Henry Edwin Fidd resigns his commission. Dated the 31st March 1917.

L. DAVIDSON,

Deputy Chief Secretary.

(Ecclesiastical.)

NOTIFICATION.

Fort St. George, October 22, 1917.

No. 54.—The following notifications of the Government of India are republished:—

DEPARTMENT OF EDUCATION

Ecclesiastical.

Simla, the 22nd October 1917.

No. 314.—In pursuance of this Department Notification No. 489 of the 14th September 1917, it is hereby notified that the Reverend Herbert James Edmonds, M.A., is appointed to be a temporary chaplain on the Indian Ecclesiastical Establishment with effect from the 1st September 1917. His services are placed at the disposal of the Government of Madras.

Madras, the 22nd October 1917.

No. 321.—The Governor-General in Council is pleased to direct that the following shall be inserted in paragraph (c) in rule 9 in Part I of the Ecclesiastical rules published with the Department of Ecclesiastical Notification No. 312, dated the 19th May 1915.

* Rule 6 (4).—If in the absence of a Jewish burial-ground it is proposed to use the Government cemetery, a Jewish soldier may be buried in the consecrated portion of the cemetery, the officer or person in charge of the cemetery, viz., the assistant chaplain or other persons referred to in rule 1 (3) and (4), being duly informed.

L. DAVIDSON,
Acting Chief Secretary.

HOME DEPARTMENT.

(Judicial.)

LEAVE.

Port St. George, October 18, 1917.

No. 112.—Mr. Thomas Wm. Mackenzie, Superintendent of Police, Trincomalee District, privilege leave for fifteen days from or after the 18th October 1917, under article 304 of the Civil Service Regulations.

WITHDRAWAL OF POWERS.

Columbo, October 22, 1917.

No. 114.—Under the provisions of section 44 of the Code of Criminal Procedure, 1898, the Governor in Council withdraws the powers of an Honorary Presidency Magistrate for the city of Madras conferred on Mr. Edward Francis Thomas, J.C.S., who has resigned his appointment.

Port St. George, October 22, 1917.

No. 115.—Under the provisions of section 41 of the Code of Criminal Procedure, 1898, the Governor in Council withdraws the powers of a Special Magistrate for the town of Yanambehli in the District of North Arcot conferred on Joseph Kaimi Abdul Kader Sahib Bahadur who has resigned his appointment.

INTEGUMENT OF POWERS.

Columbo, October 5, 1917.

No. 116.—Under section 18 of the Code of Criminal Procedure, 1898, M.R.Sy. Carigall Sambasiva Mudaliyar Arangal, Deputy Collector in the District of Coimbatore, is appointed to be a magistrate of the first class, and under section 37 he is invested with all the powers specified in the fourth schedule as powers which the Government may confer on a magistrate of that class except the power to try offences summarily and to hear appeals from magistrates by second and third class magistrates.

Columbo, October 11, 1917.

No. 117.—The Governor in Council is pleased to appoint the undermentioned gentlemen to be special magistrates for the town of Sripasanchadur in the District of Chingleput with the powers and subject to the terms and conditions specified in notification No. 405, dated the 9th October 1915, published at pages 3004 and 3006 of Part I of the Port St. George Gazette of the 19th June 1915, as amended by notifications Nos. 409, dated the 27th May 1916, and 487, issued the 19th August 1916, published at pages 885 and 736 of Part I of the Port St. George-Gazette, dated the 10th June 1916, and the 10th August 1916, respectively:—

Respected Shashibh Chellam.

M.R.Sy. Appal Krishnaiah Reddyer Arangal.

M.R.Sy. Pichipakam Bhagabathra Rajagopala Acharyer Arangal.

M.R.Sy. Irangirakonda Ven. Ranga Sri Ganada Nayaka Arangal.

M.R.Sy. Poothitta Joseph Nayaka Arangal.

M.R.Sy. Vairapuram Kishorabhai Ramappa Acharyer Arangal.

Columbo, October 19, 1917.

No. 118.—Under section 18 of the Code of Criminal Procedure, 1898, the undermentioned officers are appointed to be magistrates of the second class, and under section 37 they are invested with all the powers specified in the fourth schedule as powers which the Government may confer on a magistrate of that class, except the power to pass orders as to first offenders under section 543:—

M.R.Sy. Ponnasami Pillai Samasakannu Thala, Seditary Sub-Magistrate, Andut, in the District of North Arcot.

M.R.Sy. Madanpal Subashrao Kye, Deputy Tahsildar, Pargally, in the District of Kannor.

Port St. George, October 17, 1917.

M.R.Sy. Jeyappa Thevaran Kandi in Ror Vinnava Rao, Deputy Tahsildar and Sub-Magistrate, Ponnalur, in the District of Coimbatore.

M.R.Sy. Kannaiah Kandi Krishnan Nayan, Sub-Magistrate, Kuthaperambur, in the District of Madurai.

Act 26, Ganga, October 14, 1917.

M.R. By. Tejendra Sanyasagopal Samadanta Acharya, Sanyasagopal Sub-Magistrate, Purnabhadra, is the district of Purnabhadra.

Act 26, Ganga, October 15, 1917.

No. 70.—Under section 217 of the Code of Criminal Procedure, 1908, the undersigned officer is authorized to take down the affidavits of witnesses with his own hand in the English language:—

Mohammed Haidarulla, Khos Sahib Haidarulla, First-class Magistrate, in the district of Ganga.

Act 26, Ganga, October 15, 1917.

No. 70.—Under section 18 of the Code of Criminal Procedure, 1908, the undersigned officers are authorized to be magistrates of the first class and under section 17 they are licensed with all the powers specified in the fourth schedule as powers which the Government may confer on a Magistrate of that class except the power to try offences summarily under section 243 and to hear appeals from the sentences of appeal and third class Magistrates:—

Mr. Louis Edward Harris, Deputy Collector, South Kanara district.

M.R. By. Edward Vennart, Deputy Collector, South Kanara district.

M.R. By. E. Hanumantha Rao, Deputy Collector, South Kanara district.

No. 71.—The Government in Council is pleased to appoint the undersigned gentlemen to be special magistrates for the places specified opposite to their names, with the powers and subject to the terms and conditions specified in notification No. 545, dated the 26th October 1911, published at pages 1004 and 1005 of Part I of the Fort St. George Gazette of the 15th June 1912, as amended by notification Nos. 406, dated the 20th May 1913 and 227, dated the 15th August 1913, published at pages 268 and 719 of Part I of the Fort St. George Gazette, dated the 20th June 1913 and the 18th August 1913, respectively:—

Joshi Mahipal Lal, District Sahib Sahakar—for the town of Yanipandur, in the district of North Arcot.

M.R. By. Venkatesh Sahib Maheshwari, Maheshwari

Aurang.

M.R. By. Ramani Maheshwari, Maheshwari

Aurang.

Joshi Mahipal Lal, District Sahib Sahakar—for the town of Yanipandur, in the district of North Arcot.

M.R. By. Venkatesh Sahib Maheshwari, Maheshwari

Aurang.

M.R. By. Ramani Maheshwari, Maheshwari

Aurang.

Act 26, Ganga, October 17, 1917.

M.R. By. Maheshwari Maheshwari, District Sahib Sahakar—for the town of Chikanda, in the district of Ganga.

NOTIFICATIONS.

Governor, October 11, 1917.

No. 72.—It is hereby notified that Kalyanji Sanyasagopal, late night watchman of the Sub-Register's office, Anandagram, Ganga district, has been dismissed from the public service and that he is ineligible for employment in any department of Government.

Act 26, Ganga, October 18, 1917.

No. 73.—The following notification of the Government of India is republished:—

THE
INDIAN DEPARTMENT
JERUSALEM.

Act 26, Ganga, October 1917.

No. 1045-B.—In pursuance of sub-section 5 (i) of section 181 of the Government of India Act 1915 (4 and 15 Geo. 5, Cap. 43), the Governor-General in Council is pleased to appoint Mr. O. P. Nair, Barrister-at-Law, to act as an Additional Judge of the High Court of Judicature at Madras for the period from the 10th October to the 31st December 1917, both days inclusive.

Act 26, Ganga, October 19, 1917.

No. 74.—The following names of an author whose publications granted by the Madras Government in accordance with the rules made under section 144 (2) of the Indian Copyright Act, 1911, has been received, is published for general information:—

Name—M. R. By. M. R. Sanyasagopal Acharya; Address—Puducherry; Author.
Magistrate; District or unincorporated—Madras; Permanent or temporary—Temporary;
Date of expiry of the copyright—31st December 1918; Language or languages in which the book is written in—English and Tamil.

R. RANACHANDRA RAO,
Secretary to Government.

(Miscellaneous.)

MARRIAGE LICENCES.

Colaba, October 18, 1917.

No. 165.—Under section 8 of the Indian Christian Marriage Act, 1872, the Governor in Council sanctions the issue of licences to the undersigned gentlemen to grant certificates of marriage between Native Christians in accordance with the provisions of the said Act, within the territories under the administration of the Government of Madras:—

M.D. Hy. Mervett, Son of the Godavari Delta Mission, residing at Nasapur in the taluk of Narsapur in the district of Kurnool.

M.R. Hy. Kanna Pental of the Canadian Baptist Mission, residing at Vengalpet in the taluk of Vengalpet in the district of Vengalpet.

Fort St. George, October 20, 1917.

The Rev. George Mathew of the Church of Sweden Mission, residing at Trichinopoly in the taluk and district of Trichinopoly.

The Rev. Sacramento Mathew of the Church of Sweden Mission, residing at Colaba in the taluk and district of Colaba.

No. 166.—Under section 8 of the Indian Christian Marriage Act, 1872 (as amended by the Indian Christian Marriage Act Amendment Act, 1891), the Governor in Council sanctions the issue of a licence to the undersigned ministers to solemnize marriages within the territories under the administration of the Government of Madras, in accordance with the provisions of the said Act:—

The Rev. George Mathew of the Church of Sweden Mission, residing at Trichinopoly in the taluk and district of Trichinopoly.

The Rev. Sacramento Mathew of the Church of Sweden Mission, residing at Colaba in the taluk and district of Colaba.

No. 167.—Under section 9 of the Indian Christian Marriage Act, 1872, the licence granted under the said section to the Rev. George Mathew of the Laying Foreigners' Lutheran Mission in the Coimbatore district on the 27th March 1916, is hereby revoked.

MARRIAGE REGISTRAR.

No. 168.—Mr L. F. Kerkow to be a Marriage Registrar under the Indian Christian Marriage Act, 1872 (Act XV of 1922), and a Registrar of Marriages under the Special Marriage Act (Act XII of 1879), for the term of Madras, with effect from the 17th October 1917.

R. RAMACHANDRA RAO,
Secretary to Government.

NOTIFICATION.

Fort St. George, October 25, 1917.

No. 169.—The following resolution of the Government of India is published:—

DEPARTMENT OF COMMERCE AND INDUSTRY.

Immigration.

Bombay, the 1st September 1914.

No. 8728-8729-24.

Resolutions.—The following procedure has been arranged by the Government of India in connexion with the Government of the Union of South Africa to facilitate the admission into the Union of the wives and minor children of Indians resident in that country:

1. The husband or father resident in South Africa who desires to obtain a certificate of relationship from a magistrate in India to facilitate the admission into the Union of South Africa of his wife or children under the age of sixteen years will, in the first instance, make application in the prescribed form to the immigration authorities in South Africa or to the magistrates of the district in South Africa in which he is residing and on obtaining from the proper officer in South Africa a certificate in respect of his application will transmit the same to his wife or child, as the case may be, for production with his application for a certificate of relationship before the principal local magistrate in India, viz., the Civil or District Magistrate in a Presidency town, the District officer in a Native State, or the District Magistrate elsewhere.

2. The principal local magistrate in India on receipt of such application and on production before him of the certificate issued in South Africa will certify on enquiry either personally or through an officer not below the rank of a Deputy Sub-divisional Deputy Collector of a Munsiff or a Magistrate in the province concerned, and if the enquiry is satisfied as to the alleged relationship, he will grant a certificate of relationship in the standard form in favour of the person (or persons) referred to in the application who will present it to the Immigration officer at the port of entry in support of his claim to admission into the Union.

Form of Certificate.

A

I do hereby certify that as the result of an enquiry made by me personally this _____ day of _____ 19____

I am satisfied that _____ of village _____ Police Station _____ District _____ is the duly married wife of _____ of village _____ Police Station _____ District _____ at present residing at _____

Descriptive particulars.

Name _____
 Caste _____
 Religion _____
 Date, as nearly as can be ascertained, of marriage _____
 Place of marriage _____

Blue thumb impressions have been taken in my presence.
 Right thumb _____
 Left thumb _____

Dated this _____ 19____ Place _____
 Seal of the Magistrate. _____
 Counter-signed _____

District Magistrate.

(Chief Presidency Magistrate in a Presidency Town or Police Officer in a Native State.)

Dated this _____ 19____ Name of District _____
 Seal of the District Magistrate. _____

B

I do hereby certify that as the result of an enquiry made by me personally this _____ day of _____ 19____

I am satisfied that _____ is the son (daughter) of _____ of village _____ Police Station _____ District _____ at present residing at _____, and that I am satisfied that _____ is _____ years of age.

Descriptive particulars.

Name _____
 Caste _____
 Religion _____
 Age _____

Blue thumb impressions have been taken in my presence.
 Right thumb _____
 Left thumb _____

Dated this _____ 19____ Place _____
 Seal of the Magistrate. _____
 Counter-signed _____

District Magistrate.

(Chief Presidency Magistrate in a Presidency Town or Police Officer in a Native State.)

Dated this _____ 19____ Name of District _____
 Seal of the District Magistrate. _____

F. RAJAGOPALA ACHARIYAR,
 Secretary to Government.

FINANCIAL DEPARTMENT.

(Financial.)

NOTIFICATION.

Fort St. George, October 12, 1917.

No. 42.—The following notification of the Government of India is republished:—

DEPARTMENT OF COMMERCE AND INDUSTRY.

Dear Sirs,

Dated, the 6th October 1917.

No. 11808.—The 15th December 1917 will be observed as a Post Office and Telegraph Holiday, in the several postal and telegraph offices.

L. DAVIDSON,
Acting Chief Secretary.

(Separate Revenue.)

LEAVE.

Fort St. George, October 26, 1917.

No. 44.—Under articles 243, 253 and 266 (c) of the Civil Service Regulations Mr. H. M. Threlby, Assistant Commissioner, Salt, Alkali and Customs Department, availed himself of leave and returned on medical certificate for six months from the 16th July 1917.

(The several Financial (Separate Revenue) Department Notifications Nos. 47, dated the 16th July 1917, published on page 446 of Part I of the Fort St. George Gazette, dated the 15th July 1917.)

PROMOTIONS.

Fort St. George, October 25, 1917.

No. 45.—The following promotions in the Salt, Alkali and Customs Department are ordered:—

I

- (1) M. R. M. Pragas, Lakshminarayana Rao Gani, to be Inspector, first grade, with effect from 15th June 1917.
- (2) Mr. Charles Frederick Sharp, to be Inspector, first grade, with effect from 15th July 1917.
- (3) Mr. Ernest Henry James Eames, to be Inspector, first grade, sub. pro tem., with effect from 15th June 1917.
- (4) Mr. Frederick Hocking, to be Inspector, first grade, sub. pro tem., with effect from 15th July 1917.

II

- (5) Mr. William Arthur Bate, to be Inspector, second grade, with effect from 15th June 1917.
- (6) Mr. John Esler Chatterton, to be Inspector, second grade, sub. pro tem., with effect from 15th June 1917.
- (7) Mr. Charles Wetherell, to be Inspector, second grade, sub. pro tem., with effect from 15th July 1917.

III

- (8) Mr. Walter George Baidyar, to be Inspector, third grade, with effect from 15th June 1917.
- (9) M. R. R. Iyyerovani Appay Sahraman Appay Aravagal, to be Inspector, third grade, sub. pro tem., with effect from 15th May 1917.
- (10) M. R. R. Thirradi Appayagari Appayagari Aravagal, to be Inspector, third grade, sub. pro tem., with effect from 15th June 1917.
- (11) M. R. R. Narayana Veluppi Kandan Nayan Aravagal, to be Inspector, third grade, sub. pro tem., with effect from 15th July 1917.
- (12) Mr. Frederick Herman Brown, to be Inspector, third grade, sub. pro tem., with effect from 15th July 1917.

IV

- (13) M. R. R. Srinivasan Balaramaswami Gani, to be Inspector, fourth grade, with effect from 15th June 1917.
- (14) Mr. Albert James Gillman, to be Inspector, fourth grade, sub. pro tem., with effect from 15th May 1917.
- (15) M. R. R. Narayana Gani Rao Aravagal, to be Inspector, fourth grade, sub. pro tem., with effect from 15th June 1917.
- (16) M. R. R. Thyagaraja Sankaran Appay Aravagal, to be Inspector, fourth grade, sub. pro tem., with effect from 15th July 1917.
- (17) Mr. Ernest Arthur Compton, to be Inspector, fourth grade, sub. pro tem., with effect from 15th July 1917.

NOTIFICATIONS.

Act 26, 1917, October 15, 1917.

No. 28.—The following resolution of the Government of India is republished:—

DEPARTMENT OF COMMERCE AND INDUSTRY.

EXCISE.

India, the 21st September 1917.

No. 11324.

Resolution.—The following letters from Local Governments and Administrations, on the subject of the extension of the system of Excise Advisory Committees and Licensing Boards, are published for general information:—

1. Letter from the Government of the Punjab No. 291-B, dated the 2nd June 1918, and enclosure.
2. Letter from the Chief Commissioner of Coorg No. 1880, dated the 21st June 1918.
3. Letter from the Government of Bombay No. 8564, dated the 1st July 1918.
4. Letter from the Hon'ble the Chief Commissioner and Agent to the Government-General in the North-West Frontier Province No. 10-C, dated the 2nd June 1918.
5. Letter from the Chief Commissioner of Delhi No. 4189-C, and I., dated the 3rd July 1918, and enclosure.
6. Letter from the Hon'ble the Chief Commissioner of the Central Provinces No. 808-XT-1-13, dated the 14th August 1918, and enclosure.
7. Letter from the Hon'ble the Agent to the Governor-General and Chief Commissioner in Baluchistan No. 126-S.E., dated the 21st August 1918.
8. Letter from the Hon'ble the Chief Commissioner of Agony-Morawa No. 387-C-1919, dated the 26th August 1918.
9. Letter from the Government of Berar No. 1025-B.R., dated the 1st September 1918.
10. Letter from the Hon'ble the Chief Commissioner of Assam No. 4431 F., dated the 2nd September 1918, and enclosure.
11. Letter from the Government of Bihar and Orissa No. 11342-F, dated the 10th November 1918, and enclosure.
12. Letter from the Government of Burma No. 807-J-47, dated the 2nd December 1916.
13. Letter from the Government of the United Provinces No. 79, dated the 4th January 1917, and enclosure.
14. Letter from the Government of Madras No. 834, dated the 26th June 1917.

No. 291 B. (Com. & Ind.), dated 2nd June 1918.

From—the Hon'ble Mr. G. F. Lumsden, I.C.S., Financial Secretary to Government, Punjab, and its Dependencies.

To—the Secretary to the Government of India, Department of Commerce and Industry.

I am directed to acknowledge receipt of Mr. Lumsden's No. 2905-43, dated the 11th May 1918, with enclosure, in which the Government of India ask for an expression of the views of this Government upon the suggestion for extending the system of Excise Advisory Committees and Licensing Boards.

5. In reply, I am to make a reference in paragraph 2 (1) of Mr. Lumsden's letter No. 2905 B, dated the 11th September 1918, and in paragraph 5 of letter No. 198, dated the 2nd August 1918, from the Excise Secretary to the Financial Commissioner, Punjab, which formed an enclosure to the first communication. The Government of India are already in possession of the views of this Government on the subject, and from paragraphs 5 and 8 of their despatch No. 43 (Excise), dated the 26th February 1914, it is understood that the Government of India agreed in these views.

6. I am to observe that by the system contained in paragraph 2 (4) of the Hon'ble Mr. Lumsden's letter No. 1146-1185-51, dated the 26th March 1918, the appointment of Excise Advisory Committees was left to the discretion of the Local Government, and in exercise of this function, and in view of the meagre assistance rendered by those committees to the Excise Administration, His Honour has definitely decided to consult public opinion in every matter by utilizing the services of district, local and municipal bodies. The accompanying copy of a circular which has been issued by the Financial Commissioner, Punjab, with the approval of this Government, gives details of the various rules questions that are referred to local bodies for opinion, and this, the Government-General records, provides sufficient scope for the ventilation of public opinion. The system, as a matter of fact, is appreciated by the public and is working smoothly and successfully.

7. In conclusion, I am to point out that this Government is in efforts to give rise to the drink bill—while the Lieutenant-Governor believes it may less emerge in the Punjab than in any other large Province in India. One perhaps goes further than any other Province in the policy of reducing the number of liquor shops (where in the last five years the number of country liquor shops has been reduced from 945 to 595 representing one shop per 25,000 of population and in every 10 villages, there is still one daily shop) in April 1916 issued from No. 2 to B. 8-4 8 per gallon, abolishing houses of drink and religious festivals and exempting liquor shops from house tax or, for instance, in Amritsar. An action has received grateful acknowledgments from the country and individuals within the Province that are interested in temperance reform, and are suggested to understand how that reform can best be secured. At the last meeting of the Legislative Council the Government-General in expressing its willingness to review of its policy in connection with last year's scheme and of a bill in connection with last year's scheme, but it is also partly a result of the policy Government is steadily pursuing.

and arranging temperance and restricting the opportunities for excessive drinking. I have made no guess of my view, which is also that of Government, that no small measure is required with satisfaction the desire of the entire nation, provided that it is due to a real decrease in the consumption of liquor, first and what, and is not satisfied by resort to unwholesome drugs, vapours, brews, etc., which are more noxious and deadly in their effects than alcoholic liquors. The danger is of opinion that entire reform does not depend on the action of Alcohol-Dealers Commission as nothing could be easier than to create a large number of such bodies. He considers that better results are being and will be obtained by working through bodies which are more representative, and more fully reflect the public opinion which it is essential to carry with one in action as in other administrative reforms. He thinks the Government of India will agree that the Local Government should be asked to select the agency to be reserved in regard to excise reform, rather than to have that agency chosen for it by any outside body whose withdrawal cannot compensate for its ignorance of local conditions.

Order issued by the Financial Commissioner, Punjab.

The Financial Commissioner desires to call the attention of all officers concerned with the administration of the Excise Department to the rules published in Punjab Government notification No. 42, dated 15th January 1915 (as amended by notification No. 1583, dated 27th September 1915) which have been framed with the object of giving effect to the statutory obligation imposed by section 48 (2) of the Excise Act, the obligation to exercise local public opinion before granting a license for a new retail shop. The amendment in the rules which has now been introduced contains in its substance of municipal committees and district boards far beyond excise revenue committees, as the latter is to be created for the purpose of giving effect to the policy under consideration. The notification has been approved in the orders contained in paragraph 6 of the Secretary of State's despatch No. 77, dated 26th May 1914.

2. For whether it is advisable to limit the scope of rules bearing the force of law to the representative of the statutory provisions under which the licenses are issued, i.e., in the present case to the assessment of local public opinion before opening a shop which is (a) for the retail consumption of liquor, and (b) established on premises not previously licensed, it is no less desirable, as a matter of excise policy rather than of statutory obligation, to give to boards and committees an opportunity of expressing their views in regard to other questions of excise administration especially when changes in arrangements are proposed to be brought into operation. Accordingly neither than the 15th October in each year the Collector shall refer to the local bodies concerned, i.e., to municipal committees, or committees of the municipality or notified area, in rural areas, the district board, any changes which he proposes to make in the excise administration of his district during the year beginning with the 1st April following under following heads to which the rules in Punjab Government notification No. 42, dated 15th January 1915, do not apply—

- (1) Hours of sale.
- (2) Grant of new licenses, other than licenses for the consumption of liquor.
- (3) Grant of special licenses for firms.
- (4) Duration of shops.
- (5) Proposed restriction of licenses.
- (6) Regulation of licensed off-licensing and methods of conducting shops.
- (7) Methods of maintaining order and decency in shops.
- (8) Continuance of licenses in general including revocation of sale on the premises.

In making such reference the Collector should indicate that he will be prepared to consider, not only representations in regard to the proposed changes, but also any representations connected with matters falling under the foregoing heads which the board or committee concerned may desire to put forward, even though no change in respect of such matters has been notified as in notification.

3. The Collector should consider any representations on the above points which reach him from the local bodies before December 15th, whether they deal with his proposals or embody proposals initiated by the local bodies.

4. Not later than a fortnight before the date fixed for the meeting of the local bodies for the coming year the Collector should cause an order dealing with all such representations received from local bodies in which he shall state to what extent he has been able to give effect to them. Copies of this order should be sent to the Commissioner and to the local bodies concerned. A copy should also be submitted with the annual revenue report of the district.

No. 1390, dated the 21st June 1915.

From—Major W. H. de Souza Torres, I.A., Secretary to the Chief Commissioner of Punjab.

To—the Secretary to the Government of India, Department of Commerce and Industry.

With reference to Mr. Ley's letter No. 2540-113, dated the 11th May 1915, regarding the further extension of the system of British Advisory Committees and Licensing Boards, I am directed to state that, as reported in paragraph 4 of Mr. Warburton's letter No. 1341, dated the 11th July 1915, and subsequently in his letter No. 1175, dated the 14th August 1915, no formal Advisory Committees have been constituted in Coimbatore. In the only two existing cases of Madras, and Vellore the members appointed for each ward and the adjacent residents are virtually nominated as regards the majority of the class of liquor shops within these limits. In rural areas the system of the neighbourhood planning and price is reported, and any objections are usually referred. The Commissioner and the Excise officers are necessarily on hand and on such occasions and especially at Junctions (at which all towns meet) officers are afforded ample opportunity is given for the representation of all persons in regard to liquor shops, etc. Moreover, owing to the absence of such bodies as the British and Dutch Municipalities, Coimbatore does not seem to be a suitable place for the formation of these Advisory Committees and the Chief Commissioner considers that the present system of representing grievances is given as by petition is more suited to local requirements than representation by committees, the formation of which is a small and backward process, such as Coimbatore, would present many difficulties.

No. 4254, dated the 1st July 1918.

From—the Hon'ble Mr. P. N. Chatterjee, M.A., L.D.S., Chief Secretary to the Government of Bombay, Ministry Department.

To—the Secretary to the Government of India, Department of Commerce and Industry.

I am directed to reply to the letter from your Department No. 3018-112, dated 11th May 1918, calling for an expression of the views of the Government of Bombay upon the suggestions contained in paragraph 5 of the memorandum presented to the Right Honourable the Secretary of State for India by Sir J. Herbert Roberts, M.P., on the subject of the further extension of the system of Union Advisory Committees and Licensing Boards in the various provinces of India.

2. With reference to point (a) in paragraph 5 of the memorandum, I am to advise attention to the orders given in paragraphs 128 to 133, 151 and 252 of Volume I of the Bombay Session Manual which define clearly the constitution and powers of the Advisory Committees and the procedure to be followed by them.

3. As regards the constitution of the Committees, those for Bombay City consist of the Collector, the Commissioner of Police, the Municipal Commissioner and two members of the Corporation, selected by the elected members from amongst themselves for each ward in the City. In the municipalities other than Bombay the Committees generally include the Collector, the Superintendent of Police, the City Magistrate and two or three representatives nominated by the municipalities. In rural areas the Collector, the Assistant or Deputy Collector in charge of the taluka, the Superintendent of Police, the Magistrate and some members representing the taluka, local land and stock owners jointly while the taluka which has not an advisory committee of its own form the Committee. There is thus ample provision for representing the views of the non-official community, while the official members are drawn from different branches of the Government service, the work of most of which would be expected by the grant of necessary facilities for discharging. Neither the Collector nor any official member of the Committee has any interest in the services derived from duties. The question of giving a non-official majority upon the Committee has come up for consideration on several occasions. It was last discussed at the meeting of the Legislative Council held in March 1916 in connection with a Resolution moved on the subject. For the reasons given in the speech of the Honourable Mr. Chatterjee, Government was not in favour of having a majority of non-officials and they are no reason to alter this opinion.

* Page 284-291 of Part V of the Bombay Government Gazette, dated 21st April 1918.

4. It is a standing order that the Committees should be consulted on the question of the opening of liquor shops. Any case in which the Commissioner of Excise is unable to approve of the recommendations of a Committee is submitted to Government for orders. There is therefore no fear of the views of the Committee being set aside without consideration, nor has there been any instance of this being done. Compliance with the suggestion contained in paragraph 5 (c) of the memorandum would go far to change the Committee from being a advisory or consultative into an executive or administrative body and the Government in Council is not in favour of such a change.

5. Advisory Committees have been appointed for the larger municipal towns, i.e., for those with a population of 20,000 and over. The system has also been extended to the municipal towns of Bhatnagar (population 10,634) and to those rural areas which have high incidence of consumption and an average of more than one country spirit shop per 6,000 of the population. The rural committees have been constituted as to give representation upon them to the smaller municipalities included in their area which have no separate committee of their own. This Government has accepted a resolution moved at the March meeting of the Legislative Council recommending a further extension of the committee system, and a report on the subject has been called for. As will be seen from paragraph 128 of Volume I of the Bombay Session Manual provision already exists for appointing public opinion in the matter of the opening of liquor shops in areas where there are no committees.

6. The question of the conversion of Union Committees into Licensing Boards on the model of those in Calcutta was fully considered in connection with the communication from your Department No. 14917-157, dated 27th September 1916, but the Government in Council saw no reason to try the experiment. It was also discussed at the meeting of the Legislative Council held in March 1916. The change would affect only Bombay City where the present system works smoothly. In the opinion of the Government of Bombay it is not advisable to divert Government of their responsibility

in the matter of the opening of shops, a point intimately connected with the administration of the Union Department. The handing over of the power referred to a Licensing Board would give opportunity for undesirable tampering and possible corruption. The committee should be fully acquainted and every consideration shown to their views, but the final decision should rest with Government.

No. 15 C, dated the 26th June 1918.

From—the Honourable Lieutenant-Colonel Sir George Ross-Kerrison, M.A., M.P., Chief Commissioner and Agent to the Governor General, North-West Frontier Province, Transilary Secretary to the Government of India, Department of Commerce and Industry.

I have the honour to acknowledge the receipt of your letter No. 3018-112, dated the 11th May 1918, on the subject of the further extension of the system of Union Advisory Committees and Licensing Boards in the various provinces of India and reply to refer to the report and letter noted in the margin which show why no local Advisory Committees or Licensing Boards have been established in this Province.

2. The possibility of extension in the number of shops for the sale of spirits has been already previously in view, however, and where local

1. Paragraph 12 of the Report to the Home Affairs Office of the North-West Frontier Province for the year 1916-17.
2. Letter No. 21, 2nd, dated 11th-12th January 1918, from the Chief Commissioner, North-West Frontier Province, to the Secretary to the Government of India, Frontier Department.
3. Paragraph 12 of letter No. 242, 2nd, dated 12th March 1918, from the Chief Commissioner, North-West Frontier Province, to the Secretary to the Government of India, Commerce and Industry Department.

Letter No. 711 Enq., dated 12th August 1916, from the Chief Commissioner, South-West Frontier Province, to the Secretary to the Government of India, Commerce and Industry Department.

As in 1906-07 and though the epidemic was abated in the winter season which it would be preferable to reach, subsequently 8 more shops have been closed in the province, with the result that only 20 now exist. If the average area served by each shop be taken the present position is also remarkable, as this area was 232 square miles in 1911-12 and has now increased to 442 square miles—in other words each country liquor shop now provides for the wants of the population of an additional 110 square miles. In the case of foreign liquor shops the numbers have remained practically stationary. There were 25 in 1911-12 and there are now 24. In both cases the increase of population is a factor to be taken into account.

No. 6189 C, A. 1, dated the 2nd July 1916.

From—W. M. HURRY, Esq., C.A., C.I.B., J.C.R., Chief Commissioner, Delhi.

To—The Secretary to the Government of India, Department of Commerce and Industry.

I have the honour to reply as follows to Mr. Ley's letter No. 2074-12, dated 15th May 1916, to the subject of the further extension of the system of Excise Advisory Committees.

1. I take in order the suggestions made in paragraph 2 of Sir M. Roberts' memorandum, dated 29th February 1916—

(a) Continuation of Advisory Committee.—When the term for which the present licensing committee was appointed has terminated, it is proposed to appoint for Delhi City a Licensing Committee consisting of four members of the Municipal Committee (to be appointed by that body), the Deputy Commissioner and Excise Officer. The rules which will regulate its proceedings of this committee are given in the extract from the draft Excise Manual forwarded herewith. It is not proposed to have an Advisory Committee for the rural area, in which there are very few shops and for which it would be in the circumstances of the province exceedingly difficult to constitute any body where there would be of value to the Administration.

(b) Representatives.—As will be seen, it is proposed to give the Municipal Committee to appoint four of the members as an Advisory Committee. These members will be in the majority.

(c) Consideration.—The extent to which it is proposed to consult the Committee, and to defer to their views, is indicated in the draft section of the Excise Manual already referred to. I do not think it possible or useful to refer to the Committee as to questions relating to excise. I know of no one official in Delhi who would be willing to undertake for this purpose the somewhat intricate problems relating to excise administration. The problems here are complicated by the fact that I have ordered a certain number of country spirit shops to be given out on fixed terms with a view of determining the possibility of extending the ration system; that the number of houses is somewhat restricted, rendering it necessary to exercise the most careful watch on the frequency of transactions and that Delhi is a crowded centre of trade and import and export. In these circumstances I think that the reference to an Excise Committee of all excise matters would merely hamper the efforts of the Administration to control efficiency by the prevention of smuggling and of smuggling and would involve no countervailing gain.

(d) Extension to villages.—As I have already noted, it is proposed to confine the operations of the Advisory Committee to the City. The number of shops in the rural areas is small, viz.,

Country Spirit.	Opium.	Shops.	Chowks.
1	2	3	4

(e) Continuation into Licensing Branch.—I do not recommend this. The difficulties in the efficient working of such bodies which have been alluded to in the Bengal Government letter No. 1594, Revenue Division, dated 10th August 1915, in your address, would not be less in the case of Delhi; and I have already referred to the circumstances which point to the advisability of following the basis of the Excise Department of non-competition and smuggling not to be prevented.

Extract from paragraph 6 of the Excise Manual, Delhi Province, dealing with advisory committee.

34. "Number of shops."

In addition to the above principles, it should be remembered that the number of country spirit shops should not be increased without consulting the local advisory committee.

35. "Number of shops."

36. "Number of shops."—As regards the question of fixing the sites of new liquor shops, local opinion should be consulted in the manner indicated in paragraph 23. In choosing the sites of existing shops the local advisory committee will be consulted.

37. "Number of shops."

38. "Number of shops."—In the case of a change of premises, the Collector will also, before making any final decision, consult the local advisory committee. In the case of a new license, the Collector will ascertain local public opinion in the manner laid down in paragraph 23.

39. "Number of shops."

40. "Number of shops."—Section 26 of the Excise Act renders it obligatory on the Collector before granting any new license to ascertain local opinion on the proposal. The procedure prescribed is as follows:—

(1) When it is proposed to open a shop for the retail trade of liquor in any locality where there has been no such shop in the preceding year, the Collector must first ascertain every way to ascertain the opinion of persons affected by the proposal.

(2) The Collector will post a notice of the proposal at or near the site proposed for the new shop and will cause the proposal to be made known to the neighbourhood by beat of drum.

(3) The Collector will then lay the proposal before an *Advisory Committee* consisting of four non-official members of the Municipal Committee, and the Deputy Commissioner himself, for their opinion. The proceedings of the committee will be public and will be recorded.

(4) If the site of the proposed shop is near a railway station, or any other large factory, mill or workshop, the Collector will ask for the opinion of the railway authorities or commercial firm concerned.

(5) If any objection is preferred to the proposal, the Collector or a gazetted officer deputed by him will enquire into it. The enquiry will, if possible, be made on the spot. If it is not possible to make an enquiry on the spot, an enquiry will be made in a formal proceeding at which witnesses tendered for or against the proposal will be recorded. The date and place of the enquiry will be published in the notice provided above.

(6) When the Collector is unable to accept the opinion of the enquiry of the *Advisory Committee*, final report, together with the opinion of the committee, will be forwarded by the Collector to the Chief Commissioner whose decision shall be final.

No. 202-XV-1-12, dated the 16th August 1916.

For—The Hon'ble Mr. J. HYLAND, I.C.S., Third Secretary to the Chief Commissioner, Central Provinces.

To—The Secretary to the Government of India, Department of Commerce and Industry.

I am directed to acknowledge the receipt of Mr. Ley's letter No. 3042-315, dated the 11th May 1916, relating to a memorandum presented to the Secretary of State for India by Mr. J. Herbert Roberts, Esq., M.P., on the subject of the further extension of the system of *Advisory Committees* and *Licensing Boards* in the various provinces of India, and asking for an expression of the Chief Commissioner's views upon the suggestions contained in paragraph 4 of the memorandum.

2. In reply I am to forward for the consideration of the Government of India a copy of the rules framed under the new Central Provinces Excise Act, II of 1915, and to say that in framing the rules under that Act the principles and policy under which every kind of license administration was under fresh scrutiny. The question of *Advisory Committees* and their powers in particular received careful consideration and the rules, contained in Notification No. 256, dated the 1st April 1916, which contained very new and briefly explained.

3. As regards rural areas a scheme has been drawn up for each district showing the maximum and minimum number of shops to be licensed for the sale of country liquor and intoxicating drugs. This scheme is submitted to the District Council for their opinion, and any suggestions put forward by such Council receive the attention of the Commissioner of the Division, whose sanction to the scheme is required, and who himself has no special connection with questions affecting Excise concerns, but is concerned with the broader aspects of Revenue Administration. The limit of rural shops are determined by the Collector, but as the following extract from the rules will show, before the opening of a new shop is approved it always is made to obtain local opinion on the subject:—

"When it is proposed to open a new country liquor shop, a notice thereof shall be affixed at or near the site and prohibition made by law of drink in the locality; the opinion of the inhabitants shall then be ascertained through a local enquiry by an officer appointed by the Collector. An official agent or in villages possessing a village panchayat under the village committee Act, 1915, the notified Area Committee or Village Panchayat, as the case may be, shall be consulted as to the site of the new liquor shop."

In paragraph 4 (d) of the memorandum Mr. Herbert Roberts asks that the system of *Advisory Committees* should be extended to all towns, villages and rural areas, except where the conditions are manifestly unsuitable, in which case his formal methods of consultation may be adopted. As shown above, although the administration has not extended the system of *Advisory Committees* to rural areas, it has developed considerably the system of informal consultation, and as the present conditions of the province the Chief Commissioner does not think that any useful progress will be served by changing the system which has only recently been adopted.

4. The system in urban areas is governed by the following rule:—

Rule 4.—"In the towns of Nagpur and Jabalpur, *Advisory Committees* shall be formed, consisting of the Collector or a senior Assistant or Extra Assistant Commissioner appointed by him, the District Superintendent of Police, and two members of the Municipal Committee appointed by the Municipal Committee. In every other Municipality the Municipal Committee, and in every district town the District Committee, or equivalent the *Advisory Committee*."

Now (12).—The Collector shall consult the *Advisory Committee* of the Municipal or District town concerned before making any change in—

(a) the number of urban shops for the sale of country liquor, intoxicating drugs and foreign liquor under license forms F. L. 1, 2 and 3 and their distribution in the several wards of the town; or

(b) the sites of shops licensed for the sale of liquor on the premises."

(3) Whenever it is proposed to open on a new site a shop at which liquor may be consumed on the premises, the *Advisory Committee* shall publish two notices in the locality, and a written notice specifying the date on or before which statements may be presented shall be a first and a second notice in the town. In a Municipality a copy of the notices shall also be sent to the Ward Member who should visit the spot and require directly into the jurisdiction of the law. After considering any statements which may be received and consulting the District Superintendent of Police and the District Revenue Officer, the *Advisory Committee* shall submit their report to the Collector. The Collector may authorize the proposal provided that it is approved by the *Advisory Committee*. Should the Collector and the *Advisory Committee* differ in opinion regarding the proposal, the matter shall be referred through the Excise Commissioner to the Commissioner of the Division for orders."

(4) The sites of shops licensed for the sale of liquor on the premises.

(5) Whenever it is proposed to open in a new site a shop at which liquor may be consumed on the premises, the Advisory Committee shall publish the fact in the locality; and a written notice specifying the date on or before which objections may be presented shall be affixed at or near the site in question. In a municipality a copy of the notice shall also be sent to the Ward Member who should visit the spot and express his views to the authority of the site. After considering any objections which may be raised and consulting the District Superintendent of Police and the District Revenue Officer, the Advisory Committee shall submit their report to the Collector. The Collector may assent to the proposal provided that it is approved by the Advisory Committee. Should the Collector and the Advisory Committee differ in opinion regarding the proposal, the matter shall be reported through the Excise Commissioner to the Commissioner of the Division for reference.

(6) Any proposed change in the number of Excise shops of the classes specified in clause (1) (b) above shall be reported through the Excise Commissioner for the previous approval of the Commissioner of the Division. The opinion of the Advisory Committee shall be attached to such report.

(7) By the 1st September in each year the Advisory Committee shall submit to the Collector any proposals which it has to make regarding the grant of licences or location of shops for the ensuing year. On the 1st April in each year it shall submit to the Collector a statement in such form as may be prescribed summarizing the action taken by it with regard to the Excise administration of the area concerned.

(8) The Collector may also consult the Advisory Committee with regard to any matter connected with the administration of Excise in the area concerned.

6. (a) Licences for the retail vend of excisable articles shall annually be granted for one year, from the 1st April to the 31st March, subject to the following

Period of licence

provisions:—

(i) if any licence be granted during the course of the financial year, it shall expire on the night of the 31st March next following;

(ii) licences for the sale of *ari* may be granted by the Collector for the twelve months beginning on the 1st October and ending on the 30th September;

(iii) seasonal licences may be granted to provide for the temporary supply of excisable articles on special occasions, but shall be limited as to period to the duration of such special occasions.

(4) Wholesale licences for the manufacture, supply and sale of liquor may be granted for any number of years not exceeding five as the Local Government may in each case decide.

7. When licences are put to auction, the following provisions shall be observed:—

(a) Persons who are in arrears to Government in regard to payment of Excise revenue, or whose names as licensees have been transmitted, or who have been guilty of serious breaches of the law under the Excise or Opium Acts or the rules made hereunder, and persons who have been convicted by a Criminal Court of such offences as, in the opinion of the officer holding the auction, render them undesirable holders of licences, and persons believed to be of bad character, shall not be entitled to bid at the auction, without the consent of the Collector or the officer holding the auction.

(b) An agent shall not be allowed to bid unless he holds a power-of-attorney from his principal, or unless such principal is present and authorizes the agent to bid on his behalf.

(c) Without the express sanction of the Collector, no person shall bid for an Excise privilege who holds, or is the agent or servant of any person holding, a similar privilege in an adjoining area, whether of British India or of a Native State.

8. The construction of any auction sale, whether held by the Collector himself or by any other person, shall rest with the Collector, who may accept or reject any bid at his absolute discretion without value assigned.

9. (1) (a) No person holding or possessing any interest in a foreign liquor licence may hold or possess any interest in a licence for the retail vend of country liquor in the same local area.

(b) No person holding or possessing any interest in a licence for the retail vend of *ari* or intoxicating drugs may hold or possess any interest in a liquor licence in the same locality.

(c) Without the sanction of the Excise Commissioner, no person holding or possessing any interest in a licence for the sale of *ari* may hold or possess any interest in a licence for the sale of intoxicating drugs in the same locality.

(d) No person holding or possessing any interest in a licence for the retail vend of country liquor shall hold or possess any interest in a licence for the retail vend of *ari* in the same locality and vice versa.

(e) No licence shall be granted to an outside licensee for the retail sale of foreign liquor or distillery spirit or *ari* in a shop within twenty miles of his establishment.

(f) No person holding a licence for the manufacture and supply of country liquor from a distillery to retail vendors shall be granted a licence for the retail vend of the same *ari* in the district in which the distillery is established, or in the districts supplied from such distillery.

10. The Collector is authorized to accept any purchase of a monopoly, in which he believes the Collector has not been made bona fide by the bidder on his own behalf.

No. 108 B.2, dated the 24th August 1916.

From—the Hon'ble Lieut-Gov. Sir James Hume, K.C.B., Agent in the Government of Madras and Chief Commissioner in Rajasthan.

To—the Secretary to the Government of India, Department of Commerce and Industry.

I have the honor to acknowledge the receipt of Mr. Lee's letter No. 5248-LIA, dated the 11th May 1916, forwarding a copy of a letter from the India Office, No. M. S. 1961, dated the 12th

suggestions contained in paragraph 8 of the memorandum presented to the Right Hon'ble the Secretary of State for India by Sir J. H. Roberts, &c., as the subject of the further extension of the system of House-Advisory Committees and Licensing Boards in the various Provinces of India.

2. Sir J. H. Roberts' memorandum bears testimony in itself to the very forward policy that Bengal occupies as compared with other Provinces in the matter of Advisory Committees. The Government has led the way in the establishment of Licensing Boards, composed of the local and local gentry of determining the number of licensed shops and their location, and an account of their working was communicated to the Government of India in my letter No. 1008 B.L., dated the 2nd August 1915. These Licensing Boards exist at present only in the Calcutta Division. Outside that district there are Advisory Committees whose constitution, powers and procedure are regulated by Rule 78 of the Rules published under section 44 of the Bengal Excise Act in this Government Notification No. 2260-B.L., dated the 14th March 1915. This rule provides for the constitution of Local Committees in 17 municipal towns by the Commissioner of the Division, who is required to give due regard to the adequate representation of the non-official community. In non-municipal areas the Local Board is the Advisory Committee for the area in its charge. The function of these committees is to consider and to express an opinion on the number of licences and the location of shops proposed by the Collector in the last-mentioned order, 35 of the Act. The Advisory Committee thus expresses its opinion upon any suggestion which the Collector may have advanced to his proposals. The Collector is not bound to accept the advice of the Committee, but he has to refer, with his reasons for disagreement, and the proceedings of the Committee are submitted together with the Collector's opinion to the Commissioner of the Division. The Commissioner in making advice has to refer to the Commissioner of Police. This system has hitherto worked very satisfactorily, and as a result of the activities of the Committee, there has been a noticeable increase in the facilities for the consumption of liquor.

3. Sir J. H. Roberts lays emphasis on the small number of shops that have been closed through the action of these Committees and indicates that the process of restriction is almost a failure. He is perhaps unconscious of the fact that the Collector of Districts and the officers of the Excise Department are themselves interested in the extension of the abolition of Excise shops. They are free, considering their attitude to the maintenance of the existing revenue and the possibilities of increasing it; on the contrary, they desire much attention to the removal of unnecessary restrictions from the extremely arduous and the reduction of facilities for obtaining strong liquor. Following the accepted policy of excise policy in India, they have in a great extent facilitated the Committee in effecting reductions. Sir J. H. Roberts pointed the second Excise Report for Bengal for the years 1915-16 and 1916-17, he would have observed that, although it was desired to abolish 10 country spirit shops from the 1st April 1916 as the recommendation of Advisory Committees, the actual decrease in these shops was 47; in other words 37 shops had been abolished from the last proposed order under section 39 before these lists came before the Advisory Committee. Progress in the matter of reducing the number of shops in Bengal has been considerable and the average rate per country spirit shop throughout the whole Presidency in 1916-17 was about 20 square inches; it is now even greater. The Governor in Council doubts whether Sir J. H. Roberts himself would contend that an order of 41 square inches provides facilities which are "disastrous," though he might contend that "exaggerated." It may be possible to somewhat restrict more in the direction of abolition, but the reason cannot be purely restricted after what has been effected in the last two years, and the move is certainly not for the extent which the number of shops will have been reduced to the absolute minimum compatible with the principle of making due provision for the needs of those who are entitled to purchase. Indeed it is by no means certain that it is not desirable that minimum has not already been maintained.

4. Turning to the detailed recommendations of Sir J. H. Roberts, I am to say that, in view of what has been stated, the Governor in Council sees little object in drawing up more detailed rules regarding the constitution, powers and procedure of these Committees. Freshly speaking, their action is only regulated as a general of the year, namely, when the officers for the following year are being considered. There is little to be gained by prescribing them more frequently. Sir J. H. Roberts, however, evidently desires that the scope of their advice should be thus limited. This question is discussed below, but even if that scope be constantly widened, no extensive simplification of the rules will be required.

5. Sir J. H. Roberts' suggestion (7) almost amounts to better representation on the Committee of the individuals of the locality and to every case a majority of non-official members. Under the Bengal rule as enforced above, the Editorial Committee is bound to see that the non-official community is adequately represented in municipal towns, and the Governor in Council understands that the municipality is usually asked to nominate a certain number of members of the Committee. The Local Boards are the Advisory Committees for the areas which they represent. The suggestion of non-official members was fully discussed in paragraph 8 of the Government's letter No. 1015 X-8-B, dated the 25th October 1914, and nothing has since occurred which would impel the Governor in Council to modify the views which he then expressed. In the individual, the question whether there be a non-official majority or not is really immaterial when the body is purely advisory, and while the Governor in Council would have no objection to the whole body of Municipal Commissioners forming the Advisory Committee in the case of non-officials, as the whole body of the Local Board does in rural areas, thereby ensuring a non-official majority as every committee, he would prefer to leave the matter as at present to the discretion of the Editorial Committee.

6. It is not suggested that the Committee should be consulted with regard to all questions relating to the local administration of excise, and that no additional shops should be opened without their express sanction. The first part of this suggestion is somewhat vague, but at the outset the Executive in Council considers that no committee should be entitled to be considered as one which concerned with methods of taxation or to express any opinion on any order proposed by the Collector or any Excise officer against which is agreed to. In the passage from the despatch by the Right Hon'ble the Secretary of State, which is quoted by Sir J. H. Roberts, the following are mentioned as possible subjects of Government to Advisory Committees: (i) methods of levying (ii) rates for sale, (iii) shops and license fees, (iv) and alteration of shops in wards or special areas in which this matter might arise as to be concerned with the wishes of the

bodies is ineffective. On the contrary, the local officers are unanimous in the view that a very intelligent interest is taken by local bodies in their functions as advisory committees. The *Winkar* Municipality and the *Haldimand* Local Board made recommendations in regard to the sites of liquor shops, which were adopted. The *Karung* Local Board had a postponed and heated debate on the question of the number and location of shops. It ultimately recommended the abolition of a public shop, which was accordingly closed. The *North Sydenham* Local Board suggested the removal of a salaried retail shop, and, as no other suitable site could be found, the shop was closed. The *Port Hope* Local Board made certain general recommendations with regard to the closed salaried shops, and officers were asked that effort should be given to them before the next settlement. As explained above, the system as applied to Local Boards is of very recent date, and it is too early to judge fairly of its success. The Chief Commissioner would, in any case, deprecate the assumption of the number of recommendations for closures as a criterion of its success or failure. The Local Government has for many years now followed a policy of reducing salaried shops to a minimum, and it is unlikely that the number of shops existing in any area will be considerably in excess of what the majority of the local people consider to be adequate. The statements, however, made in paragraph 4 of Sir H. Roberts' memorandum, that strong conviction as to the necessity of closing shops are entertained by a majority of the people of India, is not accurate as regards Assam, where a system of local shops would in very few cases lead to the closure of shops. When, however, are public allowed for a reduction of shops, or for the closure of any particular shop, does not the Chief Commissioner have no hesitation in stating the Government of India that expression will be given to it by the local bodies, which are representative institutions with non-official members composed largely of men drawn from the classes which are most likely to take an interest in political and social questions?

3. As regards the formation of ad hoc committees in Assam, I am to say that the Chief Commissioner is strongly opposed to this proposal, on the grounds, firstly, that the present committees are doing excellent work, and, secondly, that it is very undesirable to multiply committees on various subjects instead of utilizing existing salaried bodies. It is, in his opinion, improbable that the committees would do anything like as good work as the existing committees, which, in addition to the 12 municipal bodies shown in the table in paragraph 2 of Sir H. Roberts' memorandum, now include the 12 Local Boards of the province, which have since been constituted across salaried bodies. All these bodies contain a majority of non-official members. All the Local Boards and a portion of the Municipality also contain a majority of non-official elected members, and this will be the case with all or practically all the municipalities when the Assam Municipal Bill, now ready for introduction to the Government of India, becomes law. These bodies therefore represent the people far better than any ad hoc committees that could be appointed, and against whom the criticism might very likely be urged that they were not representative of the people is not being stated.

4. Turning now to paragraph 4 (a) of the memorandum, I am to advise a copy of this Administration's Memorandum No. 4088-P, dated the 16th July 1917, regarding the functions of municipal and local bodies as advisory committees. These rules are of course subject to alterations from time to time, and they will be amended further as we go on with the undertaking given above with reference to the suggestions contained in paragraph 4 (c) of the memorandum.

As regards paragraph 4 (b) the Chief Commissioner has little to add to what has already been stated in paragraphs 2 and 3 of this letter. The local bodies in Assam are fully representative of the salaried section of the population, and contain a large majority of non-official members.

As regards paragraph 4 (c), I am to say that the proposal that these committees should be constituted on "all questions relating to the local administration of areas" is too sweeping, but that the Chief Commissioner has no objection to advising those committees for more than in the past. He will be prepared in future to consult them on any question either of general or local importance relating to liquor administration, such as methods of trading, hours of sale, or generally as to salaried and non-salaried. To expect the suggestion with regard to "all questions relating to the local administration of areas" would be quite impracticable, as numerous questions which arise are technical, definitely, or unimportant. With reference to the suggestion that no additional shops should be opened or that the existing number of the committee, I am to say that the Chief Commissioner is unable to accept this proposal, any more than he would accept a proposal that no additional shops should be closed, without the express sanction of the Government; the ultimate responsibility must rest with the executive officers. The rules, however, provide that where the local authorities disagree with a committee as to the opening or location of a shop, the matter shall be referred to the Chief Commissioner, and the Chief Commissioner will be largely guided by the opinion of the committee.

As regards paragraph 4 (d), I am to explain that the system of salaried local bodies outside the system of advisory committees is all over except the last stroke, and that in the bill before the Legislature are salaried municipal municipalities. The Chief Commissioner has decided, however, to limit the salaried municipalities to an advisory body like all other municipalities. The Assam Local Self-Government Act (I of 1917) provides for the creation of village committees, and a few such committees have been constituted on an experimental basis. For the present these committees will have quite enough to do in other spheres of work, but, when the system has been developed, village authorities have been more generously constituted and have not all down to work. The Chief Commissioner will have no objection to allowing them as far as practicable an advisory as well as a representative of local questions connected with liquor administration.

Paragraph 4 (e) does not affect this province.

Sd/James by the Chief Commissioner of Assam, No. 4088-P, dated the 15th July 1917.

— In answer to the papers submitted by section 36 of the Eastern Bengal and Assam Revenue Act, 1913 (I of 1913), the Chief Commissioner is pleased to make the following observations in the table published under the Eastern Bengal and Assam Government's Memorandum No. 4088-P, dated the 15th September 1917:—

For items 28 to 31, see below the following:—

28. (i) In the case of municipal areas the Collector shall, by the 15th October in each year, send to the Government of each Province a list of all shops and an account of the list presented on the 15th, showing the shops for the retail trade of liquor and salaried shops which it is proposed

to house during the running official year within the limits of the Municipality concerned. On receipt of the extract, the Chairman of the Municipality shall forthwith cause a copy thereof to be posted on the notice board of the Municipal office, inviting any person who desires to make objections to the written statement of the grounds of such objections within 15 days of the date of the notice. The Chairman shall also furnish the Commissioner for each ward with a copy of the notice.

(10) The list of shops, together with the objections (if any) thereto, which have been filed, shall be considered by the Municipal Commissioners at a meeting assembled, and a copy of the proceedings of such meeting in this connection, together with the original petitions of objections (if any) which have been received, shall be forwarded before the 15th November in each year to the Collector with such remarks as the Chairman may desire to make. If by the 15th November no communication has been received by the Collector from the Chairman of the Municipality, it shall be assumed that the Municipal Commissioners have no objections to the proposed list. The Collector may either himself hold, or depute a gazetted officer to hold, a local enquiry into any objections forwarded by the Chairman of the Municipality; and should, if he is not himself the District Collector, forward the report of the Chairman of the Municipality with the original petitions of objections, and the record of the local enquiry (if any) to the District Collector.

11. The Collector shall also cause notice extracts of the list to be exhibited at the district or at the subdivisional offices, as the case may be, and shall police stations and enquirers within the limits of the Municipality concerned, with a statement that any objections to the notice or brevity of such shops will be taken into consideration if filed in writing before him within 15 days of the date of the said notice. He shall also cause a notice at the opening of any new shop, or of a change in the use of any existing shop, to be served upon the manager of such factory within the next 48 hours, which he considers may be detrimental to the public health, to be affixed thereto, with an intimation that any objections filed before him within 15 days of the date of the notice will be considered. The Collector shall either himself hold, or depute a gazetted officer to hold, a local enquiry into any objections which are filed before him, and shall, if he is not himself the District Collector, forward with a report the petitions of objections in original together with the record of the local enquiry to the District Collector.

12. The District Collector shall consider (a) the report of the Chairman of the Municipality, (b) the objections (if any) to the list of the proposed shops, and (c) the record of the local enquiry held by or on behalf of the Collector, and, subject to any orders which may be passed by the Chief Commissioner or the Income Commissioner as approved or refused, his decision shall be final; provided that, if he is unable to arrive at any recommendation made by the Municipal Commissioners, the case shall be referred through the Income Commissioner to the Chief Commissioner for decision.

13. (1) In any other case, municipal area, the Collector shall, by the 15th October of each year, send to the Chairman of the Local Board an extract in the form prescribed in rule 13 showing the shops for the retail vend of liquor and intoxicating drugs which it is proposed to license during the running official year within the limits of the Local Board. On receipt of the extract, the Chairman shall forthwith cause a copy thereof to be posted on the notice board of the Local Board office, inviting any person who desires to make objections to the written statement of the grounds of such objections within 15 days of the date of the notice.

(2) The list of shops, together with the objections (if any) thereto, which have been filed, shall be considered by the Local Board at a meeting, and a copy of the proceedings of such meeting in this connection, together with the original petitions of objections (if any) which have been received, shall be forwarded before the 15th November in each year to the Collector with such remarks as the Chairman may desire to make. If by the 15th November no communication has been received by the Collector from the Chairman of the Local Board, it shall be assumed that the Local Board has no objection to the proposed list. The Collector may either himself hold, or depute a gazetted officer to hold, a local enquiry into any objections forwarded by the Chairman of the Local Board; and shall, if he is not himself the District Collector, forward with a report to the District Collector the original petitions of objections (if any) received, together with the record of the local enquiry.

14. The Collector shall also, by the 15th October of each year, cause lists of the proposed shops for the retail vend of liquor and intoxicating drugs to be posted at the district and subdivisional offices and also send copies of the publication at each subdivisional office and police-station of the lists of such shops situated within the local limits of such subdivisions and police-stations, respectively. The Collector shall also cause a notice of the opening of any new shop, or of a change in the use of any existing shop, to be served upon the manager of such shop, or of such factory employing more than 400 operatives, which he considers may be detrimental to the public health, to be affixed thereto, with an intimation that any petitions of objections filed before the Collector within 15 days of the date thereof will be considered by the District Collector. On receipt of any objections, the Collector shall either himself hold, or depute a gazetted officer to hold, a local enquiry into such objections. The Collector, if he is not himself the District Collector, shall forward with a report to the District Collector the original petitions of objections (if any) received, together with the record of the local enquiry.

15. The District Collector shall consider (a) the report of the Chairman of the Local Board, (b) the objections (if any) to the list of the proposed shops, and (c) the record of the local enquiry held by or on behalf of the Collector, and, subject to any orders which may be passed by the Chief Commissioner or the Income Commissioner as approved or refused, his decision shall be final; provided that, if he is unable to arrive at any recommendation made by the Local Board, the case shall be referred through the Income Commissioner to the Chief Commissioner for decision.

No. 1943-P., dated the 7th November 1918.

From the Hon'ble Mr. E. L. L. KENNEDY, C.S., Secretary to the Government of Bihar and Orissa, Patna (1).

To the Secretary to the Government of India, Department of Commerce and Industry.

I am directed to say to Mr. Lyle's letter No. 1048-115, dated the 11th May 1918, in which the Government of India request the opinion of the Local Government as to certain recommendations

submitted in paragraph 8 of a memorandum presented to the Right Honourable the Secretary of State for India by Sir Herbert Roberts, M.P., regarding the further extension and development of the system of Excise Advisory Committees.

2. The views of the Lieutenant Governor in Council is signed to the recommendation of alcohol in this province were given at some length in my letter No. 11385-S, dated the 26th October 1914, and nothing has occurred in the interval to lead him to alter those views. During the past three years the policy indicated in paragraph 16 of that letter has been steadily pursued and considerable progress has been made, attesting in certain respects the improvements advocated by Sir Herbert Roberts.

3. The rules for the constitution of the Committee in this province practically preclude official members; and in December 1915 out of 30 members which sat for action, none but one had such a majority, whereas 11 only did the number of officeholders of that of the non-official members. If necessary, steps will be taken to ensure a non-official majority in every case.

4. In accordance with orders passed in February 1915, the Advisory Board's new work twice a year, once in reference to advice regarding the settlement of liquor shops and again in June at July in discuss general questions of excise administration. I am to select a copy of the rules framed under these orders. It will be seen that every effort is being made to ensure representative local opinion. But the Honour in Council considers that further experience of the utility of these six monthly meetings should be gained before passing any orders for the more frequent convening of the Board.

5. The extension of the system of Advisory Committees to rural areas is still in the experimental stage, but a short time has been made in the districts of the Chief Revenue Division. It is as yet too early to report on the success of the experiment, which is being carefully watched.

6. It is urged in the suggestion that an additional stage should be opened without the express sanction of the Committee, this Honour in Council is opposed to an arrangement which would actually supersede the authority of the Collector. Under an existing rule that officer has to submit copies of his proceedings to the divisional Commissioner and the Commissioner of Excise and to explain his reasons for any case in which he rejects the recommendations of the Advisory Committee. And this should be carefully safeguarded the cause of temperance. There have, in point of fact, been considerable reductions in the number of liquor shops in almost every district, and there appears to be no necessity for enlarging the power of the Committee, whose proper functions are of an advisory and not an administrative character.

7. There remains the recommendation, made in paragraph 8 (d) of the memorandum, that the Advisory Committee should be converted into Licensing Boards. In this province, however, there are few towns of any magnitude, and even in those conditions offer very widely from those prevailing in Calcutta, to which city Sir Herbert Roberts has alluded. The scheme in Calcutta is still in the experimental stage. The Lieutenant Governor in Council is of opinion that the time is not yet ripe for the introduction of this measure into this province.

8. In conclusion I am to say that, while the Government of India may well accept that the Local Government will do everything in its power to check rumming drinking and to promote temperance, the Lieutenant Governor in Council fully agrees with the Board of Directors that in this respect, as in others, the development of Western ideas in this country should be allowed to take place gradually in the light of experience and without undue precipitancy.

Extract from the rules regarding the location, etc., of wine shops in Bihar and Orissa.

81. In addition to the obligatory procedure for the enforcement of public opinion regarding houses referred to in rule 8 of Chapter III below, officers of the Department should make it a point during the course of their tours to ascertain public opinion on the administration of the Excise Department generally, and particularly in respect of (a) the location and number of wine shops of all descriptions, (b) the rules regulating hours of sale and the conduct of wine shops, (c) the regulation of existing facilities for supply of reasonable quantities to total prohibition in particular cases.

82. The Advisory Committee formed in each District under paragraph 25 of Notification No. 215-S.H., dated the 21st November 1904 (Part I, p. 40), should be invited to meet again during the following June or July, to advise on questions of general policy on which the Collector thinks that the advice of the Committee would be useful, and to report any abuses or irregularities that may have come to their notice. This would enable the Collector and the District Deputy Collector to investigate, during their old weather tours, abuses and irregularities alleged to exist, and also to test by local opinion and by experiment, if necessary, suggestions that may be offered for improving the wine administration.

83. Every officer should endeavour to gain the confidence of the public. Objections to existing arrangements and suggestions for improvements should be patiently heard and carefully considered.

No. 531—TE-47, dated Bangalore, the 26th November 1916.

From the Hon'ble Mr. W. J. Keith, C.S., Revenue Secretary to the Government of Burma (Deputy Revenue Department).

To—the Secretary to the Government of India, Department of Commerce and Industry.

In response to the request made in Mr. Lay's letter No. 10480-43 (Encl.) of the 21st May 1916, I am directed to submit the views of the Government on the suggestions contained in paragraph 8 of the E. Roberts' Memorandum on Excise Advisory Committees.

1. The first suggestion is that rules should be drawn up governing the constitution, powers and procedure of the Advisory Committees with a view to the most efficient operation, and define accreditation of local opinion in such cases. The Lieutenant Governor considers that action is at present necessary in this province on this proposal. Excise Advisory Committees are confined to municipalities and certain areas entrusted with certain powers of local self government. In such municipalities as existed were the Municipal or Town Committee in the Excise Advisory Committee. These committees meet at frequent and regular intervals and, on regarding their constitution, powers

and procedure, are governed by the Municipal Act and the rules framed thereunder. The successful analysis of these committees can, in the Lieutenant-Governor's opinion, have a representative of the views of the inhabitants of the areas which they represent than the members of a separate committee appointed solely for the purpose of advising regarding such matters would be. The purpose and duties of the committees in regard to certain matters are clearly prescribed by Rule 20 of the rules under the Towns Act, 1858, as amended by the Towns (Financial) Committee's Notification No. 25 of the 21st May 1910. Under that rule the Towns Advisory Committee is empowered to petition two functions. It frames proposals in three years as to the revenues and minimum number of houses of each kind to be taxed within the municipality or town and it examines annually the location of existing and proposed liquor shops.

3. The second suggestion is that a fuller representation in advisory committees should be given to the inhabitants of the locality, either by direct election or through the medium of the municipality or other local authority, and that in every case the members should be in the majority. Out of the 16 advisory committees in this province 43 have a non-official majority. Officials predominate only in a few of the less important areas; their predominance will gradually disappear as the towns grow in wealth and importance. Appointments to municipal and town committees are made either by election or by nomination from the residents of the municipality or town. No action is the direction suggested by Sir H. Roberts as at present called for.

4. The third suggestion is that the advisory committees should be associated with regard to all questions relating to the local administration of towns, and that no additional shops should be opened without their expressed sanction. The Lieutenant-Governor has accepted the Financial Committee's suggestion to amend the Towns Rules so as to give effect to the first part of this suggestion. Provision for the second part already exists. The advisory committees have power at present subject to the control of the Financial Committees, to fix the maximum number of houses of each kind, and thereby to forbid the opening of additional shops. Since the committees were constituted there has been no instance in which an additional shop has been sanctioned against their wishes and in two cases the Financial Committee has declined to sanction the opening of additional shops approved by such committees.

5. The fourth suggestion is that the system of advisory committees should be extended to all towns, villages and rural areas, except where the conditions are manifestly unsuitable, in which case some formal methods of consultation may be adopted. No boards have yet been established in Form for the control of local administration outside areas dealt with under the Municipal Act. The Lieutenant-Governor considers that the formation of committees to advise regarding revenue matters in villages and rural areas should await the establishment of such boards. The Financial Committees, however, would make no further provision at present than mentioned in Towns Rule 27. That rule requires the Collector to publish a notice in any non-enclosed town or village in which it is proposed to open a new shop for the retail sale of spirit or fermented liquor calling for objections to the proposal. If an objection is received the Collector must either decline the proposal or refer it to the Commissioner of the division for advice. The Lieutenant-Governor proposes to supplement this procedure by requiring that in addition to the enquiries on the subject usually made by officers of the Revenue Department, the Township Officer or some other responsible officer not associated with the Revenue Department should visit the town or village in which it is proposed to open a new shop or a date to be fixed in the notice calling for objections, discuss the proposal with the towns or village officers and their leaders, and submit a report of his proceedings giving a full account of all objections received and his recommendations on the proposal. It is not safe to conclude that no local objections exist because the notice calling for objections has failed to elicit any.

6. The fifth proposal is that in the longer time the advisory committees should be converted into licensing boards and endowed with full and final powers of determining the number and location of all licensed premises within their respective areas. Sir Harcourt Butler considers that action on this suggestion should be deferred till further experience has been gained at the working of the advisory committees at present constituted. So far only one year's experience has been gained. The experience should first be tried in Bangalore. A full re-consideration of the administration of the Bangalore municipality on the Bombay model is at present under consideration; it appears desirable to wait until this bill has become law and until the new arrangements are in working order before giving the committee full power to determine the number and location of licensed premises. The Collector of Bangalore considers that public opinion on liquor matters is at present hardly formed except by the English speaking section of the Indian and European communities and that the involvement of the Municipal Committee with full and final powers might well result in an increase in the number of licenses.

No. 26, dated the 4th January 1912.

From—The Hon'ble Mr. A. W. Fra. J.C.S., Secretary to the Government of the United Provinces, Dependent Territories (Revenue) Department.

To—The Secretary to the Government of India, Department of Commerce and Industry.

I am directed to refer to Mr. Ley's letter No. 4508-43, dated the 11th May 1910, relating for the views of this Government upon the suggestion contained in paragraph 2 of a memorandum presented to the Right Honourable the Secretary of State for India by Sir J. Harcourt Roberts, M.P., on the subject of the further extension of the system of Towns Advisory Committees and Licensing Board in the various provinces of India.

2. In reply I am to say that the recommendations made in paragraph 2 (a) and (b) of the memorandum regarding rules governing the constitution, powers and procedure of the Advisory Committees and fuller representation on these bodies of the inhabitants of the locality have already been considered by this Government and the conclusions arrived at are embodied in notification No. 554-XII-32, dated the 21st May 1911 (copy enclosed) and reproduced in the United Provinces Enactment as rules 23, 24 and 25 (a). These rules give definite effect to the recommendations of Sir H. Roberts so far as is advisable in the existing conditions and the Local Government does not think it desirable to make any further change at present.

3. The proposal in paragraph 3 (c) of the memorandum that Advisory Committees should be constituted in all questions relating to the local administration of towns, on new shops being opened without their express sanction, involves a considerable extension of the powers of the committees which are at present purely advisory bodies. It does not appear to the Local Government to be expedient at present to lay down that a new shop should be opened without the sanction of the committee. Rule 24 (1) of the United Provinces Towns Manual already provides for an annual meeting to consider the location of shops and to report recommendations. A resolution by the inhabitants on the subject of the town and its present boundaries. A resolution by the committee made under this rule would remove under rule 24.1.1. full responsibility from the Collector and the Town Committee. Thus therefore further experience has been obtained at the working of the committees under the existing rule the Local Government does not propose to make any further change.

4. With regard to the proposal in paragraph 3 (d) of the memorandum to extend the system of Advisory Committees to all towns, villages and rural areas except where committees are already constituted, I am to say that the chief questions arising in rural areas are concerned with location of shops, a subject fully dealt with in rule 131 of the United Provinces Towns Manual. Sub-section (2) of that rule provides that local options shall be considered in rural areas and the existing rules afford a convenient and satisfactory method of obtaining the views of the persons most affected. Moreover for villages having more than one cross shop of such kind (viz. weekly shops, hump shops and so on) if so many, and the formal constitution of Advisory Committees is in the opinion of the Local Government impracticable.

5. The proposal in paragraph 3 (e) of the memorandum to re-constitute the Advisory Committees in the larger cities into Licensing Boards following the example of Calcutta. The Local Government is informed that under the scheme to revise the Calcutta and to re-constitute the Collector discharge a list of proposed shops and rules for objections and to survey the Licensing Board is the final authority which have the sanction and license of shops. In practice, however, the Licensing Board only has a power to veto of the Collector's proposals and no power of selecting other shops by the time the Collector's proposals and the objections reach the Board, it is too late to select new shops and to give an opportunity for objections, before the beginning of the next year. The revised rules in these provisions referred to in paragraph 2 above provide that a non-official committee shall meet in May of each year. The committee is to consider the location of shops and passed resolutions to which the Collector will give due consideration in deciding the location. The Collector has the sanction and license of shops subject to the approval of the Town Committee to whom he reports all proposed changes by the 1st July—vide rules 12, 131 (1) and 130 of the United Provinces Towns Manual. When under the Calcutta system the Collector (subject previously to the approval of the Town Committee) makes proposals for changes of numbers and sites and the non-official committee practically decides, while under the system in force in these provinces the non-official committee makes proposals and the Collector subject to the approval of the Town Committee decides. In the opinion of the Local Government the system in these provinces is better suited to the local conditions and it gives ample scope for non-official opinion to make itself felt. The system has only been lately revised by the sanction of all officials from the committee, and extended to all municipalities, instead of being confined to those with a population exceeding 25,000. The Local Government therefore proposes to give a fair trial to the system before further experience can be made.

6. In conclusion I am to say that the general policy involved in the proposals contained in paragraph 3 of the memorandum has received and is receiving the most careful consideration of the Government. A considerable advance has already been made in the direction indicated, and the Local Government is of opinion that the position now taken should be fully tested in the light of adequate experience before any further alteration is made.

Notification by the Government of the United Provinces No. 256—

XIII—SI. dated the 28th May 1918.

In notification of Notification No. 215—XIII—SI, dated the 21st March 1918, it is hereby notified that the Lieutenant-Governor has made the following amendments to the rules published with Notification No. 250—XIII—SI, dated the 10th August 1918, under section 62 (2), (3) and (4) of the United Provinces Towns Act, 1909:—

Amendments.

Under section 49 (2) (f).

(1) For rules 2 and 4, substitute the following:—

"4. In every municipality or district committee consisting of the chairman of the municipal board, if a non-official (otherwise the senior vice-chairman), who will be President of the Committee, and five other persons shall be appointed every three years before the month of May. Of these three shall be members of the municipal board and be elected by that body. Two shall be persons other than members of the board, and shall be appointed by the Collector. The officer in charge of towns of the district shall attend the meetings of the committee to give assistance and advice."

"5. The duties of the committee will be:—

(1) to meet annually to consider (a) the location of shops in the municipality, and (b) any representations made in connection with towns by the inhabitants of the towns, and to record resolutions thereon;

(2) to meet when summoned by the Collector for the purpose of giving him advice on matters connected with towns;

(3) to meet once in three years to make recommendations to the Government and to the municipal board of shops for the sale of the various taxable articles which may be licensed in the town.

The time and place fixed for the meetings, which will be convened by the president, shall be duly advertised, and the meeting shall be open to the public."

And the following in rule 3—

"4. A copy of the resolutions recorded by the committee under rule 3 (1) shall be forwarded to the Collector who will give due consideration to them (a) in deciding the location of shops, and (b) in connection with other business of the Town Administration of the towns."

A copy of the resolutions shall also be sent to the Excise Commissioner.

- (2) In rule 4 for the words "the above rule" substitute the words "rule 4";
 (3) In rule 5 insert the words "clause (3)" after the words "rule 5".

Order within 60 (2) (4).

(1) For clause (1) of the rules regarding the location of shops substitute the following:—

"(1) In municipalities the Collector shall, in deciding the location of shops, consider the recommendations made by the Advisory Committee under rule 3 (1) of the rules made under section 46 (2) (b)."

(2) In clause (4) read the words "or is a settlement or colony of aboriginal tribes" after the word "house" at the end of the first sentence.

No. 431, dated Government, the 28th June 1927.

From—the Hon'ble Mr. L. DAVENPORT, M.A., F.C.S., Acting Chief Secretary to the Government of Madras, Financial Department (Revenue Branch).

To—the Secretary to the Government of India, Department of Commerce and Industry.

In reply to Mr. Lee's letter No. 2048-43 (Excise), dated the 11th May 1924, I am directed to forward the views of the Government in Council on the suggestions mentioned in paragraph 2 of the memorandum presented to the Right Honourable the Secretary of State for India by Sir J. Ruckelshaus, B.P., as the subject of Excise Advisory Committee.

A. Suggestion (2) and (1).—As the Government of India are aware, Excise Advisory Committees are now working in all municipalities and in towns of an urban character in this presidency. In the city of Madras the committee consists of—

- (1) The Collector (President),
- (2) The Commissioner of Police,
- (3) The President of the Corporation,
- (4) The Commissioner of the municipal division (if he is willing to serve on the committee).

In municipalities the municipal divisional officers are—

- (1) The Collector or the Revenue Divisional Officer (President),
- (2) The Municipal Chairman, and
- (3) The District or Assistant Superintendent of Police.

Where the Revenue Divisional Officer is the Chairman of the municipality a member of the municipal council is selected to act with the President and the local police officer. In urban parishes the committee consists of—

- (1) The Tahsildar or Deputy Tahsildar,
- (2) The Union Chairman, and
- (3) The Police Inspector.

The Governor in Council has under consideration the question of constituting a Licensing Board for the city of Madras and, pending the decision to be reached in the matter, he does not propose to alter the constitution of the committee in the city.

The Governor in Council has recently decided to enlarge the constitution of Advisory Committee in municipal municipalities and urban parishes by the addition of the local Akhbari Inspector or Assistant Inspector and two elected non-official members of the municipal council or union parishayat. The committee will then consist of three officials and three non-official members. The President of the Committee is also being empowered to co-opt an additional non-official member from those classes of the community which do not regard drinking as an avocation, this power being exercisable where representation of those classes is not already secured by the presence of the municipal or union members of the committee.

In places outside these areas there is no local self-governing agency capable of selecting representatives and it would be difficult to create a satisfactory substitute at once. The Governor in Council is, therefore, unable to extend the system to those places. The local boards concerned are, however, formally consulted in the matter of determining the number and location of liquor shops and the welfare of the villagers are also suitably obtained and considered.

B. Suggestion (3).—The actual procedure which generally obtains in deciding questions relating to the number and location, etc., of shops is described below:—

The date of shops to be opened for the coming year are prepared by Collector in consultation with the revenue and police officers. A committee consisting of a member of the municipal council and the local boards. Extracts from the law relating to the municipalities and the police are then sent sufficiently early before the commencement of the year to the President of the Advisory Committee, who thereafter convenes formal meetings. A few subordinate police and akhbari officers and municipal officials attend the meetings to furnish any information required. The list of shops as then formulated and any suggestions made by officials or non-officials during the year or by the municipal council, local board or union parishayat are discussed. Then objections are systematically considered and notes are usually made by the President of the Committee. A final decision is usually made at once but the President sometimes consults other people before coming to a decision. The recommendations of the committee, which are formally recorded at the meetings, are then submitted to the Collector."

As, however, the above procedure is not invariably adopted, the Government have directed the issue of the following instructions regulating the procedure to be followed by Advisory Committees:—

(a) The committee should meet once in the year to consider the proposed licensing arrangements for the next year, shops and again before the opening of the year, and also again to consider the licensing arrangements for the following year.

(b) They should also meet on other occasions to consider points that may be referred to them from time to time.

(c) The meetings will be convened by the President who will maintain the records of the meetings in his office.

(d) The functions of the committees are purely advisory and their recommendations should be confined to local questions.

(e) The President of the Committee shall have a casting vote.

(f) The recommendations of the committees should be forwarded by the President to the Collector with a covering letter and such remarks as he may consider necessary.

4. *Functions (c).*—The committees are now constituted on all local questions such as the number and location of shops and such other matters as are mentioned in the despatch from the Secretary of State, No. 71, Revenue, dated the 29th April 1914. No additional shops are open in the areas in which committees have been formed before they have been considered. The Collector of the district is, however, empowered to accede to the objections of any committee and need not be bound to have its power as long as the functions of the committee is confined to the giving of advice.

5. *Functions (d).*—As already observed, the question of extending the Advisory Committee in the city of Madras into an Urban Improving Board is under consideration. The Committee is Council is of opinion that the question of establishing similar boards in the municipal areas is postponed until some experience has been gained in the Madras city.

Fort St. George, October 23, 1917.

No. 42.—The following notification of the Government of India is published:—

FINANCE DEPARTMENT.

REVENUE BRANCH.—General.

Madras, 23rd October 1917.

No. 2122-F.—In exercise of the powers conferred by section 3, clause (a) of the Indian Stamp Act, 1899 (21 of 1899), the Governor-General in Council is pleased to direct that for the words "And and Andhra" in entry No. 5 of the schedule attached to the Notification of the Government of India in the Finance Department, No. 2028-Was, dated the 16th July 1908, the words "The District of Andhra" shall be substituted.

L. DAVIDSON,
Deputy Chief Secretary.

LOCAL AND MUNICIPAL DEPARTMENT.

(Legislative.)

NOTIFICATION.

Calcutta, August 18, 1915.

No. 51.—The Legislative Council of the Governor of Fort St. George will meet in the Council Chamber, Fort St. George, at 12 noon on Tuesday the 29th November 1917.

3. Under rule 61 of the rules for the conduct of business of the Legislative Council, persons desirous of addressing the Council should give notice of their intention to do so to the Secretary to the Council through a member of the Council; the application should reach the Secretary not later than Saturday the 17th November 1917.

R. A. GRAHAM,
Secretary to the Council.

REVENUE DEPARTMENT.

EXTENSION OF LEAVE.

Calcutta, October 18, 1917.

No. 422.—Under article 245 of the Civil Service Regulations F. N. Mohammed Mirza Sahib Bahadur, Deputy Collector, 8th grade, is granted extension of privilege leave for six days.

Fort St. George, October 19, 1917.

No. 423.—Under article 245 of the Civil Service Regulations F. N. Mohammed Mirza Sahib Bahadur, Deputy Collector, 8th grade, is granted extension of privilege leave for seven days.

APPOINTMENTS AND POSTINGS.

No. 424.—The following appointments and postings of deputy collectors are ordered:—

M. R. Dr. Edward Vermeulen David Amerlal, to act as deputy collector, seventh grade.

M. R. Dr. Edward Vermeulen David Amerlal, to general duty, Tenkasi.

M. R. Dr. Edward Vermeulen David Amerlal, to act as deputy collector, seventh grade.

M. R. Dr. Edward Vermeulen David Amerlal, to general duty, South Arcot.

M. R. Dr. K. Harimonda Rao Gurn, to general duty, Ammapet, to act as deputy collector, seventh grade.

M. R. Dr. K. Harimonda Rao Gurn, to general duty, Vengalpet.

PORTING.

Continued, October 12, 1917.

No. 135.—The following posting of a deputy collector is ordered:—

Paul Nages Rameswami Mitran Subh Babu, on return from leave, to the Chinese trading.

ACQUISITION OF LAND.

Continued, October 11, 1917.

Under section 5, Act I of 1891, His Excellency the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 7 aca is to be used as a little more or less, is needed for a public purpose, to wit, for acquisition of a distributory channel; and, under sections 5 and 7 of the same Act, the Divisional Officer, Madanapalle, is appointed to perform the duties of a Collector under the Act and directed to take order for the acquisition of the said land.

5. A plan of the land is kept in the office of the Divisional Officer, Madanapalle, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, with its location or position, with survey or previous survey.	Name of owner or owners.	Extent of the land required to be taken up.	Extent to be taken up.
Madan district, Madanapalle taluk, Chikappa village.			
Extends, wit. S. No. 101.	Chikappa Yerra Chikappa, East Kulla (Madan) Subh Babu, Chikappa Kanna Subh Babu, Chikappa Kanna Subh Babu, Chikappa Chikappa and Chikappa Chikappa.	North, S. No. 101, patta of Chikappa Chikappa; wit. S. Nos. 101-1 and 101-2, both Chikappa and Chikappa Yerra Chikappa; wit. S. No. 101-3, Kanna Chikappa; wit. S. No. 101-4, Chikappa East Chikappa.	7 aca.

A. R. KRAFF,

Acting Secretary to Government.

PUBLIC WORKS DEPARTMENT.

PROVISION.

Act 31. Survey, October 25, 1917.

M.H.S. P. V. Subrahmanya Ayyar, Engineer, District, temporary and Subdivisional Officer in charge of the District subdivision Chikappa Madan, to be Sub-Engineer, with grade, showing, with effect from the 15th September 1917 during the absence of Sub-Collector Alfred Francis Baker and Sub-Collector Thomas Grant, Sub-Engineer.

NOTIFICATION.

Act 31. Survey, October 21, 1917.

The following notification of the Government of India is republished:—

RAILWAY DEPARTMENT.

BAGLAVAT ROAD.

Buck, the 24th October 1917.

No. 654-S-12-VL.—Whereas the Government-General in Council is of opinion that certain rule of the Tamil-Guzarat Branch of the Madras and Southern Mahratta Railway together with all buildings, stations, plant and material connected therewith can be utilized in connection with the construction of the present, was, now therefore in pursuance of sub-rule (1) of Rule 11-A. A. of the Indian of India (Consolidation) Rules, 1915, as subsequently amended, the Government-General in Council is pleased to require the Agent of the Madras and Southern Mahratta Railway, being the person in charge of the said change, to place at his disposal on Tamil station the said rule of the Tamil-Guzarat Branch of the Madras and Southern Mahratta Railway, together with all buildings, stations, plant and material connected therewith.

DEPARTMENT OF COMMERCE AND INDUSTRY.

TELEGRAMS.

Buck, the 12th September 1917.

No. 12513.—As intimated of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XXI of 1885), the Government-General in Council is pleased to direct that the following amendments shall be made in the rules published with the sanctioning of the Government of India in the Department of Commerce and Industry, No. 5873-10 (Telegraphs), dated the 12th September 1916, as subsequently amended, to wit:—

For classes (b) and (c) of rule 191 the following shall be exhibited, namely:—

- (a) If it may also be a telegram sent
 (b) from or to the newspaper or news agency by its registered title sent by the name or designation of a person connected with the publication or transmission, or from the correspondent or employee (by name or designation or both) on the subject of a press telegram actually received from, or despatched by, a correspondent or employee, or
 (c) to an official of the Telegraph Department on matters of press business from a newspaper or news agency by its registered title only
 (d) If a Press telegram is addressed by a correspondent or employee of a newspaper or news agency to any person in the headquarters staff, by name or designation or both, it is chargeable at the full inland rate."

ARMY DEPARTMENT.

PROMOTIONS.

Issue, 10th September 1917.

Army Reserve.

No. 1401.—The following promotions are made, subject to His Majesty's approval:—

Second Lieutenant to be Lieutenant.

Infantry Branch.

Charles Gordon Barber } 10th August 1917.
 William John Davis }

S. E. MURRAY,
Joint Secretary to Government.

ACQUISITION OF LANDS.

Port St. George, October 12, 1917.

Under section 6, Act I of 1894, His Excellency the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 0.35 acre, be the same a little more or less, is needed for a public purpose, to wit, for repairs to Yangonlakakuta bank of Murrumbidgee, and, under sections 3 and 7 of the same Act, the Tahitié of Port George is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the Tahitié of Port George and may be inspected at any time during office hours.

SCHEDULE.

Description of land, well as dry, loose or previously, with survey or previous title.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
<i>Belconnen district, Port George, Murrumbidgee.</i>			
Unsubstantiated section, 1000, S. No. 1014, 1015.	Mattungah Aboriginals ..	North and east, S. No. 1014-4; south, S. No. 1015; west, S. No. 1014.	1000 4 24

Under section 6, Act I of 1894, His Excellency the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 11 acres, be the same a little more or less, is needed for a public purpose, to wit, for the excavation of a ball channel; and, under sections 3 and 7 of the same Act, the Revenue Divisional Officer, Temu, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the Revenue Divisional Officer, Temu, and may be inspected at any time during office hours.

3. The taking a note of survey, the Revenue Divisional Officer is further directed to take possession of the land under section 12 (4) of the Act.

SCHEDULE.

Description of land, well as dry, loose or previously, with survey or previous title.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
<i>Belconnen district, Temu, Murrumbidgee.</i>			
Dist. 101, S. No. 1011.	Jamala Thibierge ..	North, S. No. 1011; south, S. No. 1012; west, S. No. 1011.	1000 11

Under section 5, Act I of 1854, His Excellency the Governor in Council hereby declares that the land contained in the following schedule and measuring 515 acres, be for some a little more or less, be granted for a public purpose, to wit, for the use and entrance of the left hand bank of the Ma-nay (near Jilakhang) and, under sections 3 and 7 of the same Act, the Governor in Council, Governor, is empowered to perform the functions of a Collector under the Act and directed to take notice for the acquisition of the said land.

3. A plan of this land is kept in the office of the Revenue District Officer, Coimbatore, and may be inspected at any time during office hours.

SCHEDULE

Description of land, wet or dry, with or without survey or previous survey or previous	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
Kannada district, along Malabar, Malabar village.			
Block, wet, S. No. 215-1	Dev's Pile ...	North, S. No. 215-1; west, S. No. 215; south, S. No. 215; east, S. No. 215.	0.11
Do, S. No. 215-2	Thomas Bell ...	North, S. No. 215-2; west, S. No. 215; south, S. No. 215-2; east, S. No. 215.	0.10
Over, (wheat), S. No. 215-3	Kalyan ...	North, S. No. 215-3; west, S. No. 215; south, S. No. 215-3; east, S. No. 215.	0.11
Do, S. No. 215-4	John Jones ...	North, S. No. 215-4; west, S. No. 215; south, S. No. 215-4; east, S. No. 215.	0.17
Do, S. No. 215-5	Charles Smith and ...	North, S. No. 215-5; west, S. No. 215; south, S. No. 215-5; east, S. No. 215.	0.13
Do, S. No. 215-6	Thomas Jones ...	North, S. No. 215-6; west, S. No. 215; south, S. No. 215-6; east, S. No. 215.	0.14
Over, (wheat), S. No. 215-7	John Jones ...	North, S. No. 215-7; west, S. No. 215; south, S. No. 215-7; east, S. No. 215.	0.10
Do, S. No. 215-8	Margaret Jones ...	North, S. No. 215-8; west, S. No. 215; south, S. No. 215-8; east, S. No. 215.	0.15
Do, S. No. 215-9	John Jones ...	North, S. No. 215-9; west, S. No. 215; south, S. No. 215-9; east, S. No. 215.	0.16
Do, S. No. 215-10	Margaret Jones ...	North, S. No. 215-10; west, S. No. 215; south, S. No. 215-10; east, S. No. 215.	0.16
Do, S. No. 215-11	John Jones ...	North, S. No. 215-11; west, S. No. 215; south, S. No. 215-11; east, S. No. 215.	0.16
Over, wet, S. No. 215-12	Ernest Jones ...	North, S. No. 215-12; west, S. No. 215; south, S. No. 215-12; east, S. No. 215.	0.17
Do, S. No. 215-13	John Jones ...	North, S. No. 215-13; west, S. No. 215; south, S. No. 215-13; east, S. No. 215.	0.18
Over, wet, S. No. 215-14	Do ...	North, S. No. 215-14; west, S. No. 215; south, S. No. 215-14; east, S. No. 215.	0.19
Do, S. No. 215-15	John Jones ...	North, S. No. 215-15; west, S. No. 215; south, S. No. 215-15; east, S. No. 215.	0.20
Do, S. No. 215-16	John Jones ...	North, S. No. 215-16; west, S. No. 215; south, S. No. 215-16; east, S. No. 215.	0.21
Do, S. No. 215-17	John Jones ...	North, S. No. 215-17; west, S. No. 215; south, S. No. 215-17; east, S. No. 215.	0.22
Do, S. No. 215-18	John Jones ...	North, S. No. 215-18; west, S. No. 215; south, S. No. 215-18; east, S. No. 215.	0.23
Do, S. No. 215-19	John Jones ...	North, S. No. 215-19; west, S. No. 215; south, S. No. 215-19; east, S. No. 215.	0.24
Do, S. No. 215-20	John Jones ...	North, S. No. 215-20; west, S. No. 215; south, S. No. 215-20; east, S. No. 215.	0.25
Do, S. No. 215-21	John Jones ...	North, S. No. 215-21; west, S. No. 215; south, S. No. 215-21; east, S. No. 215.	0.26
Do, S. No. 215-22	John Jones ...	North, S. No. 215-22; west, S. No. 215; south, S. No. 215-22; east, S. No. 215.	0.27
Do, S. No. 215-23	John Jones ...	North, S. No. 215-23; west, S. No. 215; south, S. No. 215-23; east, S. No. 215.	0.28
Do, S. No. 215-24	John Jones ...	North, S. No. 215-24; west, S. No. 215; south, S. No. 215-24; east, S. No. 215.	0.29
Do, S. No. 215-25	John Jones ...	North, S. No. 215-25; west, S. No. 215; south, S. No. 215-25; east, S. No. 215.	0.30
Do, S. No. 215-26	John Jones ...	North, S. No. 215-26; west, S. No. 215; south, S. No. 215-26; east, S. No. 215.	0.31
Do, S. No. 215-27	John Jones ...	North, S. No. 215-27; west, S. No. 215; south, S. No. 215-27; east, S. No. 215.	0.32
Do, S. No. 215-28	John Jones ...	North, S. No. 215-28; west, S. No. 215; south, S. No. 215-28; east, S. No. 215.	0.33
Do, S. No. 215-29	John Jones ...	North, S. No. 215-29; west, S. No. 215; south, S. No. 215-29; east, S. No. 215.	0.34
Do, S. No. 215-30	John Jones ...	North, S. No. 215-30; west, S. No. 215; south, S. No. 215-30; east, S. No. 215.	0.35
Do, S. No. 215-31	John Jones ...	North, S. No. 215-31; west, S. No. 215; south, S. No. 215-31; east, S. No. 215.	0.36
Do, S. No. 215-32	John Jones ...	North, S. No. 215-32; west, S. No. 215; south, S. No. 215-32; east, S. No. 215.	0.37
Do, S. No. 215-33	John Jones ...	North, S. No. 215-33; west, S. No. 215; south, S. No. 215-33; east, S. No. 215.	0.38
Do, S. No. 215-34	John Jones ...	North, S. No. 215-34; west, S. No. 215; south, S. No. 215-34; east, S. No. 215.	0.39
Do, S. No. 215-35	John Jones ...	North, S. No. 215-35; west, S. No. 215; south, S. No. 215-35; east, S. No. 215.	0.40
Do, S. No. 215-36	John Jones ...	North, S. No. 215-36; west, S. No. 215; south, S. No. 215-36; east, S. No. 215.	0.41
Do, S. No. 215-37	John Jones ...	North, S. No. 215-37; west, S. No. 215; south, S. No. 215-37; east, S. No. 215.	0.42
Do, S. No. 215-38	John Jones ...	North, S. No. 215-38; west, S. No. 215; south, S. No. 215-38; east, S. No. 215.	0.43
Do, S. No. 215-39	John Jones ...	North, S. No. 215-39; west, S. No. 215; south, S. No. 215-39; east, S. No. 215.	0.44
Do, S. No. 215-40	John Jones ...	North, S. No. 215-40; west, S. No. 215; south, S. No. 215-40; east, S. No. 215.	0.45
Do, S. No. 215-41	John Jones ...	North, S. No. 215-41; west, S. No. 215; south, S. No. 215-41; east, S. No. 215.	0.46
Do, S. No. 215-42	John Jones ...	North, S. No. 215-42; west, S. No. 215; south, S. No. 215-42; east, S. No. 215.	0.47
Do, S. No. 215-43	John Jones ...	North, S. No. 215-43; west, S. No. 215; south, S. No. 215-43; east, S. No. 215.	0.48
Do, S. No. 215-44	John Jones ...	North, S. No. 215-44; west, S. No. 215; south, S. No. 215-44; east, S. No. 215.	0.49
Do, S. No. 215-45	John Jones ...	North, S. No. 215-45; west, S. No. 215; south, S. No. 215-45; east, S. No. 215.	0.50
Do, S. No. 215-46	John Jones ...	North, S. No. 215-46; west, S. No. 215; south, S. No. 215-46; east, S. No. 215.	0.51
Do, S. No. 215-47	John Jones ...	North, S. No. 215-47; west, S. No. 215; south, S. No. 215-47; east, S. No. 215.	0.52
Do, S. No. 215-48	John Jones ...	North, S. No. 215-48; west, S. No. 215; south, S. No. 215-48; east, S. No. 215.	0.53
Do, S. No. 215-49	John Jones ...	North, S. No. 215-49; west, S. No. 215; south, S. No. 215-49; east, S. No. 215.	0.54
Do, S. No. 215-50	John Jones ...	North, S. No. 215-50; west, S. No. 215; south, S. No. 215-50; east, S. No. 215.	0.55



THE FORT ST. GEORGE GAZETTE

Published by Authority.

No. 43.]

MADRAS, TUESDAY EVENING, OCTOBER 23, 1917.

[Price, 2 rs. 8 p.]

Part I.—Local and Municipal.

LOCAL AND MUNICIPAL DEPARTMENT.

(Local & Municipal.)

APPOINTMENTS, ETC.

Fort St. George, October 23, 1917.

No. 1161.—Under the provisions of sub-section (3) of section 80 of the Madras City Municipal Act, 1904, His Excellency the Governor in Council is pleased to appoint Mr. Harold Hamilton Heriot, L.D.S., to act as President of the Corporation of Madras during the absence of Mr. Nelson on other duty or until further orders.

No. 1162.—In exercise of the power vested in him by sub-section (3) of section 15 of the Madras Local Boards Act, 1894, the Governor in Council is pleased to appoint M.R.Sy. Sankararao Rao Arangal as President of the Puthur Taluk Board in the South Arcot District with effect from the 20th October 1917.

No. 1163.—In exercise of the power conferred by section 11 of the Madras Local Boards Act, 1894, the Governor in Council is pleased to appoint M.Ry. Varadachandrasekhar Ayyangar, B.A., to be a member of the Cuddalore District Board.

No. 1164.—In exercise of the power conferred by section 11 of the Madras Local Boards Act, 1894, the Governor in Council is pleased to appoint Mr. Charles Alexander Sutton, L.D.S., as a member of the Kottam District Board.

No. 1165.—In exercise of the power conferred by section 11 of the Madras Local Boards Act, 1894, the Governor in Council is pleased to appoint M.R.Sy. Thirumangaly Motayya Pillai Annamangal Arangal as a member of the Palghat District Board.

No. 1166.—In exercise of the power conferred by section 11 of the Madras Local Boards Act, 1894, the Governor in Council is pleased to appoint M.R.Sy. Choudhury Appandhar Mandalay Arangal as a member of the North Arcot District Board.

No. 1167.—In exercise of the power conferred by sections 11 and 20 of the Madras Local Boards Act, 1894, the Governor in Council is pleased to re-appoint M.R.Sy. Kothandaram Venkatasubramanian Ayyangar Arangal as member and Vice-President of the Salem District Board.

No. 1168.—In exercise of the power vested in him by section 10 of the Madras District Municipalities Act, 1894, the Governor in Council is pleased to appoint M.R.Sy. Gopalakrishna Chetti Ponnuswami Chetty Arangal and to re-appoint Hamsa Swartha Saigya Mahaswami Swartha Sahi Sahadai to be municipal councillors of the municipality of Manjeri.

No. 1169.—In exercise of the power vested in him by section 10 of the Madras District Municipalities Act, 1894, the Governor in Council is pleased to appoint M.R.Sy. Vallu Lakshmi Sankaran Raa Gura to be a municipal councillor of the municipality of Manjeri.

No. 1170.—Under section 10 of the Madras District Municipalities Act, 1894, M.R.Sy. Appandhar Choudhary Arangal has been duly elected as a municipal councillor of the municipality of Manjeri.

NOTIFICATIONS.

No. 1155.—Under sub-section (6) of clause (a) of sub-section (1) of section 230 of the Madras District Municipalities Act, 1854, and in modification of the Division into wards and distribution of elective seats shown in the schedule annexed to the rules for the election of municipal councillors published in Part I-A of the Port St. George Gazette of the 30th November 1915, the Government Council propose to rearrange the wards in the Singapore municipality and to redistribute the elective seats as shown in the following schedule. Any objections or suggestions that parties interested may desire to offer in regard to this proposal should be transmitted to such Government on or before 1st December 1917. Name retained after that date will be considered.

SCHEDULE.

Statement of boundaries of the proposed wards in the Singapore municipality.

Number of wards.	Description of boundaries.	Number of elective councillors.
First ward ..	<p>North.—A line commencing from the westernmost point in R.S. No. 81 of Ardanaspet village runs along the Valangudi road till it meets the Tiruvellar road in R.S. No. 55 of Ardanaspet village and then proceeds in a north-easterly direction along the Tiruvellar road till it meets the Oppanar bridge and after crossing it runs in the same direction till it meets the west gate junction in T.S. No. 1518, then turning south runs along the western limit of T.S. Nos. 1271 and 1272 till it meets the western extremity of the southern limit of the Olathara, then turns eastwards and runs along the northern limits of the Olathara road, Perumal Koll north street and Holland road and after crossing the railway line in T.S. No. 1 of ward No. 11 crosses the Oppanar river and marks its western bank on the eastern boundary of the town at a distance of 700 feet from the village boundary station, near the mouth of the Oppanar.</p> <p>East.—A line commencing from the above point southwards along the eastern bank of the Oppanar river till it reaches the eastern end of the northern boundary of the town at the junction of R.S. Nos. 1, 4 and 375 of Vaidikku Poyyar village.</p> <p>South.—The northern boundary of the municipality.</p> <p>West.—Nil—is the ward is of a triangular size, its vertex being the extreme western point of the northern boundary.</p>	2
Second ward ..	<p>North.—A line commencing from the point in the pathway from Jagannathapuram where R.S. Nos. 2, 3, 14 and 44 of that village meet, runs due east till it reaches the Oppanar west bank, then turns south and proceeds along the western bank of the Oppanar, till it meets the bridge of the river in Akkathalam (bank) road and after crossing the road turns eastwards along the northern limit of the Akkathalam (bank) road till it meets the north-western corner of T.S. No. 1252 of ward No. 11 (Apetakotta Pillayar Koll) and then proceeds along the western limit of T.S. No. 1252 and the northern limits of Nos. 1265, 1267, 1270, 1272, 1275 and 1277 till it meets the Polyanambedi street, then turns along the western limit in T.S. No. 1284 then proceeds southwards along the western limit of Polyanambedi street T.S. No. 1240, till it meets the Soodanampet Perumal Koll north-west and then proceeds southwards along the northern limit of Perumal north street, west hall in T.S. No. 1183 and then after crossing Perumal Elai Madavalayam in T.S. No. 1185 proceeds along the northern limit of Perumal Koll north street (east hall) in T.S. Nos. 911 and 888 till it meets the Perumal Koll cut street, then turns northwards along the western limit of Vaidikudai street T.S. No. 904 of ward 11 till it meets the Virudhacharment Koll street, then turns eastwards and proceeds along the southern limit of Virudhacharment Koll street T.S. Nos. 705 and 704 till it meets the banner street at the southern end of T.S. No. 732 of ward No. 11.</p>	1

Statement of boundaries of the proposed wards in the Nipoyan municipality—cont.

Number of wards.	Description of boundaries.	Number of streets included
Second ward—cont.	East.—A line commencing from the junction of Eda street and Vishadharwan Kail street proceeds southwards along the western limit of Eda street, T.S. No. 624, till it meets the Holland road, T.S. No. 594.	1
	South.—A line commencing from the Holland road at its junction with the Eda street proceeds westwards along the northern boundary of ward No. 1 to its very end.	
	West.—A line commencing from the westernmost point of the southern boundary of the town proceeds along the western boundary of the town till it meets the westernmost point of the northern boundary of this ward at the junction of T.S. Nos. 2, 1, 14 and 44 of Andarspet village.	
Third ward...	North.—A line commencing from the junction of Sanyasappa East street and Nilayathakal Amman Kail South street proceeds eastwards along the northern limit of Nilayathakal Amman Kail South street in T.S. Nos. 1267, 1096 and 1801 of ward III till it meets the Bannar street.	1
	East.—A line commencing from the junction of Nilayathakal Amman Kail South street and the Bannar street proceeds southwards along the western limit of Bannar street in T.S. No. 1854 of ward III, and T.S. Nos. 734 and 735 of ward II, till it meets the Vishadharwan Kail street.	
	South.—A line commencing from the junction of the Bannar street and Vishadharwan Kail street runs along the northern boundary of ward No. 2 till it reaches the junction of Perumal North street and Alagayyar Kail main road.	
	West.—A line commencing from the junction of Perumal North street and Alagayyar main road runs northwards along the western limit of Alagayyar main road in T.S. No. 1186 and of Sanyasappa East street in T.S. Nos. 1424 and 1350 till it meets Nilayathakal Amman Kail South street.	
	South.—A line commencing from the junction of the Sellar road and Alavalloor road on the western boundary of the town near the Velupillaiyan mabuk deppu runs eastwards along the southern limit of the Sellar road, Nadakasthur Pillayar Kail street, and Tennilthi street in T.S. Nos. 2635, 2777 and 2778 till it meets the Nagore road in T.S. No. 2807 at its south-western corner.	
Fourth ward	East.—A line commencing from the junction of the Nadakasthur Pillayar Kail street, Tennilthi street and Annakavathi Matham street runs northwards along the western limit of Annakavathi Matham street till it meets the Kalayamman temple in T.S. No. 84 of ward III and then proceeds along the western limit of Porja main road, T.S. Nos. 472, 427, 507 and 1245, and then runs along the western limit of Sanyasappa East street and Alagayyar West street in T.S. Nos. 1856 and 1484 of ward III, and of T.S. No. 1186 of ward II, respectively, till it meets the Perumal Kail North street.	1
	South.—A line commencing from the junction of Alagayyar West street and Perumal North street runs westwards along the northern boundary of ward No. 2 till it reaches the junction of the pathway from Jagannathapuram and the Upperwar road bank.	
	West.—A line commencing from the junction of the pathway from Jagannathapuram and the west bank of Upperwar at the south-western corner of R.S. No. 1 of Andarspet village runs along the western boundary of the municipality till it meets the Telur road at the western end of the northern boundary of this ward.	

Statement of boundaries of the proposed wards in the Nagapattinam municipality—contd.

Number of ward.	Description of boundaries.	Number of total population.
Fifth ward ..	<p>North—A line commencing from the junction of the Nalankattur Pillayar street, Searathi street, Annakavali Mutam road and Durumai Kall road runs eastward along the western limit of Durumai Kall road in T.S. No. 1829 till it meets the Nagam road in T.S. No. 2853 of ward IV.</p> <p>East—A line commencing from the junction of Durumai Kall road and Nagam road in T.S. No. 2853 of ward IV runs southwards along the western limit of the Nagam road in T.S. No. 2853 and after crossing the north gate bridge runs along the western limit of the North gate (South) road and Nilayathakshi Amman Kall East street in T.S. Nos. 203, 243, 1764 and 1771 till it meets the Nilayathakshi Amman Kall South street.</p> <p>South—A line commencing from the junction of Nilayathakshi Amman Kall East and north streets runs westwards along the northern boundary of ward 5, to its very end, i.e., till it meets Nilayathakshi Amman Kall West street.</p> <p>West—A line commencing from the junction of Nilayathakshi Amman Kall East and West streets runs northwards along the eastern boundary of ward No. 4 to its very end, i.e., till it meets the junction of Durumai Kall road and Nalankattur Pillayar Kall street, and Searathi street.</p>	1
Sixth ward ..	<p>North—A line commencing from the junction of Kanyas Pillayar Searathi street and Nilayathakshi Amman Kall East street at the south-western corner of T.S. No. 1234 of ward I runs eastwards along the western limit of Kanyas Pillayar Searathi street in T.S. No. 1234 of ward I till it meets the Vengayaladi street in T.S. No. 1233.</p> <p>East—A line commencing from the junction of Kanyas Pillayar Searathi street and Vengayaladi street runs southwards along the eastern limit of the eastern row of houses in Vengayaladi street till it meets the Pillakudai street.</p> <p>South—A line commencing from the junction of Vengayaladi street and Pillakudai street runs westwards along the northern limit of Pillakudai street in T.S. No. 1238 till it meets the Kumar street in T.S. No. 794 of ward II.</p> <p>West—A line commencing from the junction of Pillakudai street and the Kumar street runs northwards along the eastern boundary of wards Nos. 4 and 5 till it meets the south-western corner of T.S. No. 1234 of ward I in Nilayathakshi Amman Kall East street at the junction with Kanyas Pillayar Searathi.</p>	1
Seventh ward ..	<p>North—A line commencing from the junction of Vengayaladi street and Kanyas Pillayar Searathi street runs eastwards along the Kanyas Pillayar Searathi street, crosses New street and proceeds along the northern limit of the houses in the north row of Kanyas Pillayar South street and the Vade road till it meets the Bay of Bengal after crossing the South Indian Railway line.</p> <p>East—A line commencing from the northernmost point of the northern boundary of this ward at the south-eastern corner of T.S. No. 465 runs along the eastern boundary of the town, till it meets the northernmost point of the northern boundary of ward No. 1.</p> <p>South—A line commencing from the southernmost point of the eastern boundary of this ward runs along the southern boundary of ward No. 1 till it meets the Main street, T.S. No. 534.</p>	1

Statement of boundaries of the proposed wards in the Nagapattinam municipality—contd.

Number of wards.	Description of boundaries.	Number of elected members.
Ressath ward—cont.	West—A line commencing from the junction of the Ridge street and the Halford road runs along the eastern boundary of ward No. 2 and then of ward No. 3 till it meets the Pillakudai street and then after taking a turn towards the east along the northern limit of Pillakudai street till it joins the Vengayyathalai street along the southern boundary of ward No. 6, proceeds northwards along the eastern boundary of ward No. 6.	
	North—A line commencing from the junction of the Nagore road in T.S. No. 2555 of ward IV and the Mahalan road in T.S. No. 1 of ward No. 1 runs eastwards along the northern limit of the Mahalan road in T.S. No. 1 and after crossing the South Indian Railway line shoots straight across the salt swamp in T.S. No. 129 till it meets the Bay of Bengal.	1
	East—A line commencing from the westernmost point of the northern boundary of this ward runs north along the eastern boundary of the town till it meets the easternmost point of the northern boundary of ward No. 7.	
Eightth ward	South—A line commencing from the easternmost point of the northern boundary of ward No. 7 runs westwards along the northern boundary of wards Nos. 7 and 8 till it meets the Nilayathikudi Annam Kall road street.	
	West—A line commencing from the westernmost point of the northern boundary of this ward runs northwards along the eastern boundary of ward No. 6 to its very end and then proceeds along the western limit of Nagore road in T.S. No. 2555 of ward No. IV till it meets the Mahalan road.	
	North—A line commencing from the north-western corner of T.S. No. 2524 (Panayya Isalam) on the western boundary of the town runs eastwards along the northern limit of the northern row of houses in Sivan North street, crosses the Nilakudai street and then continues eastwards along the northern limit of the northern row of houses in Sivan Mahalan north lane till it meets the Nagore Public road.	1
	East—A line commencing from the north-eastern corner of T.S. No. 1955 in ward No. IV, Nagapattinam, runs southwards along the eastern boundary of T.S. No. 1946, crosses the Sivan Mahalan north lane and runs along the western limit of the houses in T.S. Nos. 2992, 2993, 2994, 2995, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010 and 3011 and then turns east along the southern boundary of T.S. No. 3010 till it meets the Nagore road and then proceeds southwards along the western boundary of the road in T.S. Nos. 3199 and 3207 till it meets the south-eastern limit of T.S. No. 3779 of ward No. IV.	
North ward	South—A line commencing from the south-eastern corner of T.S. No. 3779 in ward No. IV runs westwards along the northern boundary of ward No. 4 till it reaches the western limit of the municipality.	
	West—A line commencing from the junction of the Sellar road and Arivandil road near the Volungolayam railway depot runs southwards along the western limit of the municipality till it reaches the north-western corner of T.S. No. 2524 of ward No. IV.	
	North—A line commencing from the western limit of the municipality on Nagore road and at the north-western corner of T.S. No. 1 of ward No. IV runs across the old Nagore road and proceeds eastwards along the northern boundary of T.S. Nos. 1, 2, 3, 19, 11, 54, 55, 56, 95, 98, 109, 110, 118, 128, 129, 132 and 133 of ward No. IV till it meets the Bay of Bengal.	1
Tenth ward		

Statement of boundaries of the proposed wards in the Negapanam municipality—contd.

Number of wards.	Description of boundaries.	Number of elected councillors.
Fourth ward—cont.	<p><i>East</i>.—A line commencing from the north-eastern corner of T.S. No. 133 in ward No. IV runs southwards along the eastern boundary of the municipality till it reaches the easternmost point of the northern boundary of ward No. 8.</p> <p><i>South</i>.—A line commencing from the easternmost point on the northern boundary of ward No. 8 runs southwards along the northern boundary of ward No. 8 till it reaches the Nagam public road and after crossing it meets the north-eastern corner of the Market tank in T.S. No. 3531 and proceeds southwards along the eastern limit of T.S. No. 2831 till it meets the Durum Road and then turns southwards and runs along the northern boundary of ward No. 5 to its very end.</p> <p><i>West</i>.—A line commencing from the eastern end of the northern boundary of ward No. 5 runs southwards along the eastern boundary of ward No. 5 to its very end and then turns southwards and proceeds along the northern boundary of ward No. 2 to its very end and from there proceeds southwards along the western boundary of the town till it reaches the north-western limit of T.S. No. 1 of ward No. IV in the old Nagam road.</p>	
Fifth ward	<p><i>North</i>.—A line commencing from the south-western corner of T.S. No. 435 of ward No. V crosses the public road and runs southwards along the southern limit of T.S. Nos. 433, 556 and 527 and then turns northwards and passes along the eastern limit of T.S. Nos. 557, 558 and 559 and then turns southwards and proceeds along the western boundary of T.S. No. 589 to its very end and then turns southwards along the eastern boundary of T.S. No. 1388 and then turns southwards and after crossing the Nalukudi street along the northern boundary of T.S. No. 649 runs along the southern boundary of T.S. Nos. 593 and 594 till it reaches the limit of the railway line in the south-western corner of T.S. No. 887 and then proceeds along the southern boundary of T.S. Nos. 661, 983 and 1352 of ward No. V till it meets the Bay of Bengal.</p>	1
Sixth ward	<p><i>East</i>.—A line commencing from the easternmost point on the northern boundary of this ward runs along the eastern boundary of the municipality till it meets the easternmost point of the northern boundary of ward No. 18.</p> <p><i>South</i>.—A line commencing from the easternmost point of the eastern boundary of this ward runs southwards along the northern boundary of ward No. 18 till it meets the south-western point of T.S. No. 3378 in Kattigam public road.</p> <p><i>West</i>.—A line commencing from the south-western limit of T.S. No. 9579 of ward No. V runs northwards along the western limit of the western rim of houses in the Kattigam public road till it meets the starting point.</p>	1
Seventh ward	<p><i>North</i>.—A line commencing from the north-western point of T.S. No. 578 of ward No. VI runs southwards along the northern boundary of the municipality which coincides with the southern limit of the Vellar river to its very end.</p> <p><i>East</i>.—A line commencing from the easternmost end of the northern boundary of this ward runs southwards along the eastern boundary of the municipality till it reaches the eastern end of the northern boundary of ward No. 11.</p>	1

Statement of boundaries of the proposed wards in the Negapet town-municipality—cont.

Number of ward.	Description of boundaries.	Number of electors in ward.
Twelfth ward—cont.	<p><i>South</i>.—A line commencing from the eastern end of the northern boundary of ward No. 11 runs westwards along the northern boundary of ward No. 11 to its very end.</p> <p><i>East</i>.—A line commencing from the south-western corner of T.S. No. 4 of ward No. 1 runs northwards along the western limit of the houses in the western row of the given East street, Nigres, till it reaches the Vottar river in T.S. No. 378.</p> <p><i>North</i>.—A line commencing from the westernmost point of the northern boundary of the municipality runs along the northern boundary of the municipality till it reaches the northernmost point of the western boundary of ward No. 12.</p> <p><i>East</i>.—The eastern boundary of this ward coincides with the western boundary of wards Nos. 13 and 14.</p>	1
Thirteenth ward	<p><i>South</i>.—The southern boundary of this ward coincides with the portion of the northern boundary of ward No. 10 to the west of Kallagum public road.</p> <p><i>East</i>.—A line commencing from the western end of the southern boundary of this ward runs northwards along the western boundary of the municipality to the very end.</p>	

No. 1156.—Under sub-clause (a) of clause (a) of sub-section (1) of section 236 of the Madras District Municipalities Act, 1884, and in modification of the division into wards and distribution of electors seats shown in the schedule annexed to the rules for the election of municipal councillors published in Part I-A of the Port St. George Gazette of the 20th November 1918, the Governor in Council directs that the Kurnool municipality shall be divided into four wards and that the electors seats shall be redistributed among them as shown in the following schedule:—

SCHEDULE.

Statement of the boundaries of the wards in the Kurnool municipality.

Number of ward.	Description of boundaries.	Number of electors in ward.
1	<p><i>North</i>.—A line drawn northwards from the north-eastern corner of survey field No. 185 of village No. 7, Hemsyalagud, along the right bank of the river Tungabhadra up to the bungalow known as "Lal bungalow" belonging to the late Rao Bahadur K. Subbasingappa Pantulu.</p> <p><i>East</i>.—A line drawn from the above point southwards along the right bank of the river Tungabhadra up to the south-eastern corner of survey field No. 20 of village No. 7, Kurnool.</p> <p><i>South</i>.—A line drawn from the above point southwards along the eastern limit, then westwards along the southern limit and then northwards along the western limit, all of survey No. 36 of village No. 7, Kurnool; then northwards along the southern limit of Mahesh street No. 3, East, up to the municipal hospital, then along the northern limits of Mahesh street No. 25 up to the junction of the road near Kurnool bazaar, then westwards along the road, then in a south-westerly and north-westerly direction along the eastern and southern limits of survey No. 696-B, then in a north-westerly direction along the northern limits of survey No. 696-B, then northwards and westwards along the eastern and northern limits of survey No. 814, then westwards and northwards along the southern and western limits of survey No. 618, then in a north-westerly direction along the southern limits of survey Nos. 618 and 756-B, then</p>	2
First ward		

Number of ward.	Description of boundaries.	Number of elected members.
First ward—east	<p>northwards along the eastern limits of survey No. 786-B, then westwards along the northern limits of survey Nos. 785-D, 786-A and 787 up to the north-western corner of the latter number to which it meets the Karmool-Chuddeppah canal, all of village No. 2, Kallar.</p> <p>West.—A line drawn northwards from the last-named point along the left bank of the Karmool-Chuddeppah canal to the south-eastern corner of survey No. 215 of village No. 9, Kumbhalapad, thence along the eastern limits of survey Nos. 215, 216 and 186, then westwards along the northern limits of survey No. 186 as far as the north-eastern corner of survey No. 186, then northwards along the eastern limits of this survey number and No. 215, all of the same village, up to the starting point of the northern boundary.</p>	
Second ward	<p>North.—A line drawn southwards from the junction of the Main Bazaar road and the Muniam street along the southern boundary of ward No. 1 up to the south-eastern corner of survey No. 30 of village No. 7, Karmool.</p> <p>East.—A line drawn northwards from the last-named point along the right bank of the river Tungabhadra up to the north-eastern corner of survey No. 12 of village No. 7, Karmool.</p> <p>South.—From the last-named point westwards along the northern limits of survey Nos. 18 and 52, then along the northern limits of Pattinai street No. 25 up to the trifurcation of the roads, then along the northern limits of Gollamudi street No. 25 as far as the Town police station and up to the trifurcation of streets Nos. 1, 3 and 58.</p> <p>West.—A line drawn from the last-named point northwards along the western limits of the Main Bazaar street No. 1 up to the junction of Muniam street No. 13, then northwards along the western limits of the Main Bazaar street No. 18, then to the junction of Basal Bazaar Street No. 18, then in a north-easterly direction along the western limits of the said Main Bazaar street No. 1 up to the starting point of the northern boundary of ward No. 11.</p>	2
Third ward	<p>North.—A line drawn from the north-eastern corner of survey No. 787 of village No. 6, Kallar, southwards along the northern boundary of ward No. 1, up to the starting point of the northern boundary of ward No. 11.</p> <p>East.—A line drawn from the last-named point southwards along the western boundary of ward No. 11 up to the trifurcation of streets Nos. 1, 2 and 26.</p> <p>South.—A line drawn from the last-named point westwards along the northern limits of Kallar Darwaja street No. 2 till it meets the bed of the river Hindri, thence in a north-westerly direction along the left bank of the Hindri river as far as the bridge over it, then in a north-westerly direction along the left bank of the Hindri up to the north-western corner of survey No. 923-B of village No. 1, Kallar.</p> <p>West.—A line drawn from the last-named point eastwards along the left bank of the Karmool-Chuddeppah canal till it meets the northern boundary line of ward No. 1.</p>	2
Fourth ward	<p>West.—A line drawn from the south-western corner of survey No. 325-B of village No. 4, Kallar, eastwards along the northern boundary of wards Nos. 11 and 12 up to the north-eastern corner of survey No. 13 of village No. 7, Karmool.</p>	2

Number of wards.	Description.	Number of elected members.
Fourth ward—cont.	East. —A line drawn from the last-mentioned point southwards along the right bank of the Tungahele river, then across the Miani river up to the north-western corner of survey No. 508, then southwards along the eastern limits of survey Nos. 523, 525, 524, 522-A and 522, all of village No. 5, Kallur, up to the south-eastern corner of the last-mentioned survey number till it meets the Kurumal-Chidappah canal.	
	South. —A line drawn from the last-mentioned point southwards along the left bank of the Kurumal-Chidappah canal to the south-western corner of survey No. 525-A of village No. 5, Kallur.	
	West. —From the last-mentioned point southwards along the left bank of the Kurumal-Chidappah canal up to the starting point of the northern boundary of ward No. IV.	

No. 1167.—Under sub-section (1) of clause (a) of sub-section (1) of section 253 of the Madras District Municipalities Act, 1934, and in modification of the division into wards and distribution of electors therein shown in the schedule annexed to the rules for the election of municipal councilors, published in Part I-A of the Port St. George Gazette of the 30th November 1915, the Governor in Council directs that the Virinjavaram municipality shall be divided into five wards and that the electors therein shall be re-distributed among them as shown in the following schedule:—

Number of wards.	Description.	Number of elected members.
I. Cantonment ward.	North. —From the 7th farlong stone on the road to Gajapattinam a straight line to the railway bridge No. 1225 north of the level crossing.	1
	East. —Railway back from last point mentioned to railway crossing with Sathupeta main road; thence the road from railway crossing up to its junction with the Paddithernu western head road at the north-west corner of Paddithernu; thence the Paddithernu western head road southward to its junction with tank lower head road near the south-west corner of the Sub-Collector's office; thence the tank lower head road eastward to the east-most head stream of Paddithernu.	
	South. —From the last point a straight line to 7th farlong stone on the 10th mile on the parade ground road.	
	West. —From the 7th farlong stone on the parade ground road a straight line along the eastern side drain of the main road as far as lot No. 29; thence straight across the parade ground road to the south-eastern corner of the main bungalow, thence passing just outside the slough-house compound up to the cantonment boundary mark stone A; thence a straight line to the 7th farlong stone on the road to Gajapattinam.	
	North. —A line starting from railway bridge No. 1225 running in a direction north by east to the toll-gate on the Rega road; thence along the southern edge of railway head eastward eastward up to Keki Sahib's bannery.	
Sathupeta ward.	East. —From the last-mentioned point, southward along Laakapeta road up to the junction of Buckman tank road near fountain No. 63; thence Buckman tank road southward up to the junction with Abhiram street road at fountain No. 57; thence running across Abhiram street road eastward to the south-east corner of the Victoria School Tank; thence the western compound wall of the Tank up to the south-western corner of the Tank; thence the south compound wall of the Tank eastward, up to the Tank south gate.	

Name of ward.	Description.	Number of streets crossed.
Southpeta ward.	<p>these running southward along the Park road up to its junction with the Kurga main road near clock tower; thence the College road as far as fountain No. 45; thence southward along Stables' road to the various head slakes of Poddacharera.</p> <p>South.—From the last point the tank head lower road westward as far as the south-west corner of the Sub-Collector's office.</p> <p>West.—From the last-mentioned point the western boundary of the Chintamani ward southward to railway bridge No. 1205.</p>	2
Kottapeta ward.	<p>North.—Railway line starting from the eastern end of the northern boundary of the Southpeta ward over Kosi Sahib's tankery eastward to the bridge over Samsapagalla; thence Samsapagalla eastward to south-west corner of Kollamman man; thence the northern boundary of Kollamman man; Yankamangudi; Mandamangudi; west land called Singamangudi and Samsapagalla right across eastward to the culvert over Poddacharera gulla on the road to Chintamani.</p> <p>East.—From the last-mentioned culvert a line along Poddacharera road southward, passing by various streams as far as Samsapagalla.</p> <p>South.—Kurga main road from Samsapagalla to the clock tower.</p> <p>West.—From the last-mentioned point the eastern boundary of Southpeta ward back to its starting point near Kosi Sahib's tankery.</p>	3
Kurga ward.	<p>North.—The northern boundary of Kottapeta ward starting from the clock tower to Samsapagalla; thence turning north as far as the junction of Poddacharera road and the Kollamman street; thence the Kollamman street eastward to the point where it meets the Poor house road.</p> <p>East.—From the last-mentioned point, Dukkara lane to its junction with Vakkalacheruvu street; thence along Pottaram street as far as Sivagani Rama Rao's building; thence turning southward along Malar street as far as a large farm; thence turning eastward along Dukkara road as far as Kanna shed; thence turning southward to the north-west corner of Gudampalam.</p> <p>South.—Starting from last-mentioned point a line along the northern boundary of Gudampalam westward as far as the irrigation channel of Poddacharera; thence the irrigation channel of Poddacharera westward as far as the western corner of Samsapagalla; thence the same irrigation channel turning north as far as the various head slakes of Poddacharera.</p> <p>West.—From the last-mentioned point the eastern boundary of Southpeta ward northward to the clock tower.</p>	2
Malaripeta ward.	<p>North.—Starting from the culvert over the Poddacharera gulla which is the eastern end of the northern boundary of Kottapeta ward a line eastward along the northern bank of Poddacharera gulla up to the bridge over Samsapagalla long road.</p> <p>East.—From the last point northward along the eastern edge of Sivarama long road down to south-west corner of Pampala Yankamangudi/Man; thence turning eastward along the northern boundary of the same lane up to the Kanna Chavara gulla; thence Kanna Chavara gulla southward up to the culvert over it across the head land road leading to Dukkara.</p> <p>South.—From the last-mentioned culvert a line westward along the Dukkara road as far as Samsapagalla toll-gate; thence cutting across the Dukkara road and running along the northern side of the Dukkara road west</p>	3

Name of road.	Boundaries.	Number of closed hours per week.
Makirajappa road —cont.	<p>as far as the north-east corner of rubbish depot; thence turning south along the eastern side of the road to right-hand depot; thence going round the eastern, southern and western boundaries of the right-hand depot and going along the western boundary of the building and burial ground of Goodwin's tope and turning westward along the southern boundary of Kanakpola as far as the north-eastern corner of Chelimpola.</p> <p>West.—Starting from the last point the eastern boundary of Kappa ward as far as the junction of Kallimadappa street with Four hours road; thence the Kallimadappa street westward to its junction with Poddang road; thence the eastern boundary of Kallimadappa ward eastward to its starting point at the corner of Peddamadappa gate in the Chelimpola road.</p>	

No. 1184.—Under sub-section (1) of section 106 of the Madras Local Boards Act, 1904, the Governor in Council is pleased to declare that vaccination shall be compulsory in the village of Thirukannampudi in the Tiruvallur district with effect from the 1st November, 1917.

No. 1185.—With the approval of the Governor in Council, the Ganjam District Board hereby notifies under section 85 of the Madras Local Boards Act, 1904, that from and after the 1st April 1918, the village of Gura in the Ganjam district near the 14th falling of the 17th mile of Choudhary-Cuttack road will be added to the 4th falling of the 14th mile of the same road.

No. 1186.—With the approval of the Governor in Council, the European Division Board hereby notifies under section 85 of the Madras Local Boards Act, 1904, that from and after the 1st April 1918, a special village shall be established in the 5th falling of the 18th mile of the Dhavalpalem-Poyana road near Chelimpola in the Tanjavur taluk and that taluk at the entrance gate opened in schedule B of the Act shall be divided on carts having tyres of less than 3 inches width, passing through the gate, as the carts having narrow tyres which have been causing much damage to the road.

No. 1187.—With the approval of the Governor in Council, the Coimbatore District Board hereby notifies under section 85 of the Madras Local Boards Act, 1904, that the subsidiary village now located on the Palladam-Dharmapuri road at Kandalai in the Dharmapuri taluk of the village will be removed to the junction of the Udayar road with the Palladam-Dharmapuri road with effect from the date of the notification.

No. 1188.—Under notice 85 of the Madras Local Boards Act, 1904, the Governor in Council is pleased to exempt with effect from the 1st April 1918, carts carrying any dung, ash, or other refuse, or stone, through the subsidiary village at the 18th mile of road No. 5 (Chinnamalai to Tirumore via Nanguneri) and on the Kankalharu road, and also empty country carts passing through these gates with stones or refuse (intended to carry such refuse or stones).

No. 1189.—The following notification of the Government of India is republished:—

RAILWAY DEPARTMENT.

General Orders.

Sixth, the 1st October 1917.

No. 362 F. 11.—In pursuance of sub-section (3) of section 105 of the Indian Railways Act, 1906 (XX of 1906), and in continuation of the notification of the Government of India in the Railway Department, No. 338, dated 24th August 1917, the Government in Council is pleased to declare that the administration of the South Indian Railway shall be taken to pay, out of the funds of the local authority set out in the schedule hereto annexed, the tax specified in the second column thereof:—

SCHEDULE.	
Local authority.	Tax.
(1)	(2)
Chinnamalai taluk	House-tax.

No. 1190.—Under sub-section (1) of section 105 of the Local Acquisition Act, 1904, the Governor in Council is pleased to withdraw from the acquisition of 5-7½ acres of land at the village of Kallimadappa in the Chelimpola taluk of the Tanjavur district, specified in subsection No. 161, published as page 691 of Part I-A of the Fort St. George Gazette, dated 12th July 1916, as required for constructing a board elementary school.

3. A plan of the land is kept in the office of the Revenue Divisional Officer, Madras, and may be inspected at any time during office hours.

SCOTTISH.

Description of land, with or without survey or plan on file.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
Chinnai district, Pappambudai, Palayamkottai taluk.			
Village No. 100, panchayat No. 100.	Palayamkottai Municipality.	North, No. 111-1, house of Puthi Venkataswami and Narayana; east and south, No. 101-1, house of Chinnai Kannaiah; west, No. 101-1, local road.	1000 0.01

No. 1000.—Under section 6 of the Land Acquisition Act, 1894, the Government in Council hereby declare that the land mentioned in the following schedule and measuring 1,010 square links, be the same or less, is needed for a public purpose, to wit, for laying out a road from Talukamudi to Mahaveerpet bridge; and, under sections 5 and 7, the Collector of Amalapuram, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

1. A plan of the land is kept in the office of the Collector of Amalapuram, and it may be inspected at any time during office hours.

SCOTTISH.

Description of land, with or without survey or plan on file.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
Tiduvadi district, Amalapuram taluk, Narasimhalu village.			
D. P. W., panchayat No. 100, panchayat No. 100.	Kandam Periyasami.	North, S. No. 182 and, S. No. 183; south, S. No. 184.	1000 0.01
D. P. W., panchayat No. 100, panchayat No. 100.	Kandam Periyasami and Kandam Narayana.	North, S. No. 181; south, S. No. 182; east, S. No. 183; west, S. No. 184.	1000 0.01
		Total ..	1000 0.01

No. 1001.—Under section 6 of the Land Acquisition Act, 1894, the Government in Council hereby declare that the land mentioned in the following schedule and measuring 4 acres, be the same or less, is needed for a public purpose, to wit, for straightening Kanyasulkam Chetti Street in the Talukamudi municipality; and, under sections 5 and 7, the Revenue Divisional Officer, Talukamudi, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

1. A plan of the land is kept in the office of the Revenue Divisional Officer, Talukamudi, and may be inspected at any time during office hours.

SCOTTISH.

Description of land, with or without survey or plan on file.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
Tiduvadi district, Tiruchendur taluk, Narasimhalu village.			
D. P. No. 100-11 B.	Mirichikudam Pillai.	North, No. 101-11 B., and, No. 101-11 B., south, No. 101-11 B., and, No. 101-11 B.	1000 0.01
D. P. No. 100-11 B.	Mirichikudam Pillai, owner, Narasimhalu.	North, No. 101-11 B., and, No. 101-11 B.; south, No. 101-11 B., and, No. 101-11 B.	1000 0.01
		Total ..	1000 0.01

No. 1002.—Under section 6 of the Land Acquisition Act, 1894, the Government in Council hereby declare that the land mentioned in the following schedule and measuring 3.50 acres, be the same or less, is needed for a public purpose, to wit, for a feeder road to the Kanyasulkam railway station; and, under sections 5 and 7, the Revenue Divisional Officer, Tiruchendur, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

1. A plan of the land is kept in the office of the Revenue Divisional Officer, Tiruchendur, and may be inspected at any time during office hours.

References

[illegible]

20. 1975.—Under section 4 of the Land Acquisition Act, 1894, the Government in General Assembly declare that the land mentioned in the following schedule and measuring 0.22 of an acre, be the same a well more or less, is needed for a public purpose, to wit, for the diversion of road No. 22-A and, under sections 4 and 7, the Valldher of Kinnikhatan is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

4. A plan of the land is kept in the office of the Tahsildar of sub-division, and may be inspected at any time during office hours.

References

[illegible]

36. 1173.—Under section 6 of the Lead Acquisition Act, 1936, the Governor in Council hereby declares that the lead reserved in the following schedule and containing 6 1/4 of an acre, be the same as the land therein, is needed for a public purpose, to wit, for constructing a road from Annapuram to R. Govindanagar, under sections 1 and 2, the Tahsildar of Annapuram is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the lead to kept in the office of the Tablighi of Amalapuram, and it may be inspected at any time during office hours.

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Description of food, water, etc., taken at parade, with survey or personal notes.	Name of owner or owners.	Residence of the bird, say in its nest, etc.	Known to be before egg
<i>Delaware shrike, <u>Amphispiza bilineata</u>, <u>Amphispiza bilineata</u>.</i>			
Described, day, and month, 1911, and No. 1911-1.	Height above fields and stage of Parade.	Hatched, 8 May 1911-5, nest, 8 May 1911-5, nest, 8 May 1911-5, nest, 8 May 1911-5.	ADULT or ID

36 1174.—Under section 6 of the Land Acquisition Act, 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and containing 0.61 of an acre, is for a public purpose, to wit, for the construction of a girls' school at the Government, and, under sections 5 and 12 the Revenue Divisional Officer, Tellicherry, is empowered to execute the functions of a Collector under the Act and directed to take order for the acquisition of the land.

5. A plan of the land is kept in the office of the Harrow Divisional Office, Tallinberry, and may be inspected at the same division office hours.

Figure 1

Identification of leaf, petiole, stem or fruit, with variety or botanical name.	Name of owner or collector.	How collection of this leaf required by the below sp.	Exhibit to be taken up.
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Helianthus scaberrimus, *Chenopodium rubrum*, *Polypodium virginicum*.

Westcott, Unpublished Sty. notes of B. No. 731.	Gower, Unpublished Professor James den. Washington, Newport. Newbury Forest House	North, C. Sq. 751 (Grosvenor), and E. Sq. 750; North and West, B. No. 755 (Grosvenor)	1891 0 21
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No. 1278.—Under section 4 of the Land Acquisition Act, 1894, the Governor in Council hereby declares that the land comprised in the following schedule and measuring 78 square feet, in the name of the Government of India, is needed for a public purpose, to wit, for a commemorative park in the City of Madras, and, under sections 5 and 7, the Revenue District Officer, Madras, is appointed to prepare the schedule of the land under the Act and directed to take order for the acquisition of the said land.

3. A plan of the head is kept in the office of the Reviews Electrical Officer, Chatham, and may be inspected at any time during office hours.

See also:

Description of land, well or dry, lease or production, with acreage or poleacre number.	Status of owner or mortgage.	Boundaries of the land required to be shown by.	Extent to be taken up.
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Chlorus fuscus, *Chlorus niger*, *Chlorus nitens*.

W/gramm	g	Yn	Schle. Naturf.	Werk, G. brach' (best., nat.) Naturforsch. Ges. Bd. 1, 1. Aufl. Schle. Naturf. Ges. (best.) nat., Schle. Naturf. Ges.	16. 17. 18
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De 1374.—Under section 4 of the Land Acquisition Act, 1924, the Government in General Assembly declare that the land mentioned in the following schedule and measuring 342 a of an area, be the same as little more or less, is needed for a public purpose, to wit, for a gateway to the irrigation channel at Kumbhgarh, viz., under sections 4 and 5, the Tahsildar of Amnarganj is empowered to take possession of the said land.

2. A plug of the site is kept for the effect of the Takédis of Amalapuram and it may be inserted at five times during the season.

References

Description of land, unit or day, name of project, etc., with security or primary number.	Name of owner or occupier.	Recipients of the land required to be taken up.	Amount to be taken up.
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Colletes deserti, *beckerianus* n. sp., *beckeri* n. sp.

Exam. day, 5 Dec. 1964.	<i>Pyrenotula fagopyri</i>	1	Heath, police station, no. 5, 2A, 100 ft. rising police station, north, police station, east, 2 2A, 100 ft.	area + 10
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No. 1177.—Under section 8 of the Land Acquisition Act, 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 0.07 of an acre, be the

such a little more or less, is needed for a public purpose, to wit, for a lagoon; and under sections 3 and 7, the Tahitien of Poldapoum is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

3. A plan of the land is kept in the office of the Tahitien of Poldapoum.

SCHEDULE.

Description of land, wet or dry, lagoon or pasture, with survey or plan of the same.	Name of owner or owners.	Residence of the land required to be taken up.	Extent to be taken up.
Bulwer's district, Poldapoum chief, Tahitien's village.			
Item, wet, No. 101.	Kelaga Kagegi of Yohamou.	North, S. No. 116; west, E. No. 156; north, S. No. 111; west, E. No. 134.	area, 9 07

R. A. GRAHAM,
Acting Secretary to Government.

(PLAGUE.)

NOTIFICATION.

Port St. George, October 13, 1907

As 151-P.—In notification of notification No. 155-P., published on pages 706-711 of Part I-A of the Port St. George Gazette, dated 16th October 1907, the following revised list of plague-infected areas and of notification stations are published:—

A.—PLAGUE-INFECTED AREAS.

1.—In the Native Franchise.

District.	Town.	Village (including houses) or town.	Street.	Town.	Village (including houses) or town.
Ansonia- port.	Gusty ..	Ankila	Bulwer's- end.	Margate- hall	Highfield, Tahiti.
		Bulwer's			Yahouli.
		Choukareki			Angikakara.
		Chouk Hatare.			Aniroi.
		Cayabala			Harapara.
		Chouk Hatare.		Margate ..	Chouk Hatare.
		Doukila.			Harapara.
		Gusty			Harapara.
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Under the Indian Presidency—cont.

District.	Taluk.	Village (including hamlet) or town.	Division.	Taluk.	Village (including hamlet) or town.
Colaba- tore— west.	Dombivli— east.	Khandivli.	S.V. No. Thane— west.	Dombivli— west.	Malad, north ¹
		Khandivli.			Malad, south ¹
	Kandivli.	Kandivli.		Dombivli— east.	Kandivli.
		Kandivli.			Kandivli.
Kandivli— south.	Kandivli.	Kandivli.	S.V. No. Thane— west.	Dombivli— west.	Malad, north ¹
		Kandivli.			Malad, south ¹
	Kandivli.	Kandivli.			Kandivli.
		Kandivli.			Kandivli.
Kandivli— north.	Kandivli.	Kandivli.	S.V. No. Thane— west.	Dombivli— west.	Malad, north ¹
		Kandivli.			Malad, south ¹
	Kandivli.	Kandivli.			Kandivli.
		Kandivli.			Kandivli.

Under the Indian Presidency—cont.

Division or Province.	School facilities.	Division or Province.	School facilities.
	Districts and Towns, and Towns of 10,000 or more inhabitants.		Districts and Towns, and Towns of 10,000 or more inhabitants.
I. Mysore.	The whole province.	II. Bombay— west.	S.V. No. 1— west.
II. Bombay.	The whole province.	III. Bombay— east.	S.V. No. 2— east.

Name and District Railway Station.

Admiral.	Enfery Chatterman.	Hopet.
Distrikt.	Vengat.	Chakrapur.
Tammanachari.	Nagari.	Pelachari.
Koppur.*	Gop.	Barrack.
Pachar.*	Maddam.	Sankarapur.
Belary.	Chakrapur.	Kadur.

* N.B.—Fertilisation papers should be presented at least two months only in possession from the Mysore date when right issue.

C.—Rural Fertilisation Station.

Mannamangal.	Haver.	Tippachudi.
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D.—Rural Fertilisation Station.

Hopet.	Sowala.	Belary.
Palcher.	Kichur.	

R. A. GRAHAM,
District Secretary to Government.

NOTIFICATIONS BY COLLECTORS AND PRESIDENTS OF DISTRICT BOARDS.

Under section 22 of the District Municipalities Act IV of 1881, M.R. By. Tappa Taluk Malabarha Piliya Aravul has been duly elected as a member of the District Municipality in the district of Madras.

Madras Collector's Office,
17th October 1917.

G. F. PADDOON,
Collector.

M.R. By. Chendal Taluk Nangyan. Name Aravul has been duly elected as a municipal councillor of the District Municipality.

Madras Collector's Office,
17th October 1917.

F. R. EVANS,
Collector.

Under section 22 of the District Municipalities Act IV of 1881, M.R. By. Channarayana Vengachari Piliyachari has been duly elected as a member of the Mayavaram Municipal Council.

Tanjore Collector's Office,
21st October 1917.

J. E. RUDGERS,
Collector.

The President, District Board, Enfery, in exercise of the power delegated to him by His Excellency the Governor in Council under section 143 of the Madras Local Boards Act, 1894, hereby appoints the undersigned persons to be members of the Rayachoti Taluk Board:—

- (1) M.R. By. B. Sivadas Chandi Sam, Talukdar of Kudgi.
- (2) M.R. By. P. K. Vithayalasa Araya Aravul, Talukdar of Rayachoti.

Enfery District Board's Office,
16th October 1917.

J. K. TURISHU,
President.

In exercise of the power delegated to him by His Excellency the Governor in Council under section 140 of the Madras Local Boards Act V of 1894, the President, District Board, Channarayana, hereby appoints M.R. By. C. H. Kadurva Piliya Aravul to be a member of the Belu Taluk Board in place of M.R. By. K. K. Adarukachari Araya Aravul, n.a., transferred out of the jurisdiction of the Taluk Board.

Channarayana District Board's Office,
16th October 1917.

Under section 12 of the Madras Local Boards Act, 1894, M.R. By. Sattamangal Chavappa Araya Sivachari has been appointed, by election, a member of the Channarayana District Board by the Channarayana Taluk Board.

Channarayana District Board's Office,
20th October 1917.

N. MACMURRAY,
President.

In exercise of the power delegated to him by the Governor in Council under section 140 of the Madras Local Boards Act V of 1894, the President, District Board, Ganjam, hereby appoints M.R. By. Mangala Devi of Malharavali and M.R. By. Dhanabanda Sankar Mahapatra Gura to be members of the Chhatrapur Taluk Board.

Ganjam District Board's Office,
17th October 1917.

C. S. COSTERELL,
President.

The President, District Board of Godevay, in exercise of the power delegated to him by the Governor in Council under section 180 of the Madras Local Boards Act V of 1884, hereby appoints M.A. Ry. Poddala Gura, P.A. Poddala Gura, P.A., to be a member of the Poddala Taluk Board.

Godevay District Board's Office,
19th October 1917.

B. SERRAJOORI RAO,
President.

In exercise of the power delegated to him by the Governor in Council under section 180 of the Madras Local Boards Act, 1884, the President, District Board, Nellore, hereby appoints M.A. Ry. Kothal Kanneppu Papar Arangal to be a member of the Kothal Taluk Board.

Nellore District Board's Office,
16th October 1917.

P. E. SVASA,
President.

In exercise of the power delegated to him by the Governor in Council under section 180 of the Madras Local Boards Act V of 1884, the President, District Board, Tanjore, hereby appoints M.A. Ry. Chinnakannu Kallathay Aggar Pabba Aggar Arangal to be a member of the Tanjore Taluk Board.

Tanjore District Board's Office,
14th October 1917.

E. MANIVEL,
President.



THE FORT ST. GEORGE GAZETTE

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MADRAS, TUESDAY EVENING OCTOBER 23, 1917.

[Price, 2 annas.]

Part I-B.—Educational.

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HOME DEPARTMENT.

(Education.)

NOTIFICATION.

Colonnaded, September 24, 1917.

No. 114.—The following changes are made in the Madras Educational Rules by

RULE 1.

Substitute the following for the existing rule—

Classification of Institutions.

"Educational institutions are divided into two main classes—public and private.

"Public institutions are colleges affiliated to or approved by the University and schools which because they impart secular instruction in conformity with the standards of efficiency and courses of study prescribed by the department have been recognized by it.

"All other educational institutions are classed as private institutions and are classified as follows:—

- (1) Advanced—teaching (a) Arabic or Persian, (b) Sanskrit, (c) any other oriental classic,
- (2) Elementary—teaching (a) a vernacular language only or mainly, (b) the Tamil, (c) Sanskrit,
- (3) Other schools not conforming to departmental standards.

"Public institutions are of two classes—(1) those under the management of Government or local boards or municipalities known as institutions under public management; and (2) those under the management of private persons or associations known as institutions under private

management. Public institutions under private management are classified into aided and unaided according as they do or do not receive aid from public funds."

RULE 2.

Under the head "Secondary" insert the following sub-heads:—
"High and middle."

RULE 3.

- (1) Add the following to the list of classes in the College of Engineering:—
Preliminary subordinate classes.
(2) Insert the following as a note under the rule:—
Note.—The Madras College is under the control of the head of the Madras Department.

RULE 4.

Substitute the following for the existing rule:—

"Schools for general education.

"Secondary schools are schools whose main object is to afford a higher general education. They may be subdivided into (1) High schools and (2) Middle schools.

"(1) High schools may contain the following forms and classes:—

Sixth form.	Second form.	Third class.
Fifth form.	First form.	Second class.
Fourth form.	Fifth class.	First class.
Third form.	Fourth class.	

"(2) Middle schools may contain the following forms and classes:—

Third form.	Fifth class.	Second class.
Second form.	Fourth class.	First class.
First form.	Third class.	

"Elementary schools are schools the bulk of whose pupils are entirely or wholly in the studies beyond an elementary stage. They may contain the following classes:—

Eighth standard.	Fifth standard.	Second standard.
Seventh standard.	Fourth standard.	First standard.
Sixth standard.	Third standard.	

RULE 5.

(1) For the word "Hospital Assistant Department" substitute "Sub-Assistant Surgeon Department."

(2) Insert the following as a note underneath the rule:—

Note.—Schools of Medicine and Dentistry are respectively under the Madras Department and the Department of Education.

RULE 6.

Omit the words "Appendix A" occurring in sub-paragraph 2.

RULE 7.

For the words "third standard" substitute "fourth standard" and for "Appendix B" read "Appendix L."

RULE 8.

- (1) For the words "standards above the fourth" substitute "standards above the fifth."
(2) Omit the words "whenever it is feasible" occurring in the rule.

RULE 9.

In line 1 for "50" substitute "40."

RULE 10.

(1) For "Appendix C," "Appendix D," "Appendix E" and "Appendix F (1)" read "Appendix 2," "Appendix 3," "Appendix 4" and "Appendix 5".

(2) Insert the following under item (3):—

"(3) A visitors' book (Appendix 6)."

(3) In line 1 of the second sub-paragraph omit the words "first three" and in the last clause for "A visitors' book" also should be kept in which "substitute" in the visitors' book."

RULE 11.

(1) In line 1 for "fourth" read "fifth."

(2) Omit the words "to be" in line 4 and for the words "will be known as" in line 5 substitute the words "are called."

RULE 19.

- (1) In the heading of the rule for "studios" read "study."
 (2) Insert the following between the third and the fourth sentences in the rule:—
 "Due regard should be paid to local circumstances especially in rural schools where wheel horses and mules should be suited to agricultural conditions."

RULE 22.

- (1) Transfer the words "Besides the other matters specified in this chapter" occurring in the first sub-paragraph to the end of that sub-paragraph.
 (2) For "Appendix G" read "Appendix 7."

RULE 25.

In the first sub-paragraph for the words "and at least three other teachers in the case of schools containing all the three forms IV, V and VI" substitute "and at least so many teachers as there are sections in forms four, five and six."

RULE 24.

- (1) For the word "sides" wherever it occurs in the rule substitute "Indians."
 (2) In the third sub-paragraph of the rule for "In case of doubt" read "In case of doubt."

RULE 28.

- (1) "for every class" in line 1 substitute "for every form or class and every section of form or class."
 (2) In line 4 for "the fourth class" substitute "the third form."
 (3) In line 5 for "Director" substitute "Inspector."

RULE 29.

For the word "Director" substitute "Inspector."

RULE 31.

For "Appendix H" read "Appendix 8."

RULE 33.

Substitute the following for the existing rule:—
 "Entrances for secondary schools will ordinarily be regulated to meet the paragraphs, auxiliary and hygienic requirements given in Appendix L (a) of the Government Code."

RULE 34.

For "Appendix I" read "Appendix 9."

RULE 38.

Omit the words "and with the gymnastic apparatus prescribed in Appendix J."

RULE 40.

In the third sub-paragraph of the rule omit the words "consequent upon the annual examinations" occurring in the second sentence.

RULE 43.

For "Appendix K" read "Appendix 10" and for "letters of application" substitute "applications."

RULE 41.

- (1) For the words "in any" in the first line and "Appendix L" in the third line read "in a" and "Appendix 11" respectively.
 (2) For the second sub-paragraph of the rule substitute the following:—
 "No pupil who has not attended a recognized school in the first term shall be admitted in the second term to any recognized school unless his head is satisfied among other things that the non-attendance of this pupil in the first term was due to unavoidable circumstances. Such admission shall be subject to approval by the Inspector."

RULE 47.

Substitute the following for the existing rule:—

"The headmaster of the school into which a pupil is admitted shall place him in the class for which he is found fit, provided that in the case of admission from another recognized secondary school this shall not be a form or class higher than that for which his transfer certificate declares him fit."

Rule 48

Insert the following as a note:—

Form.—The fee can be charged evenly between a pupil's name is kept on the register.

Rule 49

Quilt the proviso in this rule inserted by the eleventh list of corrections and insert the following as rule 49-A:—

"When an application for a transfer certificate is made after the lapse of more than one year from the date on which the pupil left the school the headmaster may, besides enforcing the provisions of rule 48, charge each fee for the grant of the certificate as is approved or recommended by the Inspector."

Rule 50

For the words "The headmaster's" read "a headmaster's."

Rule 51

(1) For clause (a) and (b) of this rule substitute the following:—

"(a) Every pupil shall wear a clean and respectable dress. The wearing of a cap, turban or other form of head-dress shall be left to the headmaster's view of what good manners require."

"(b) No pupil shall be allowed to sit in the class with his shoes on, unless they are shoes of an English pattern and unless such are worn also."

"(c) In clause (d) for "teacher's" read "teacher."

Insert the following as rule 52-A:—

Punishments.

"52-A. Corporal punishment shall not be inflicted in schools except in a case of moral delinquency such as deliberate lying, dishonesty of word or act or flagrant insubordination and then it shall be limited to six cuts on the hand and be administered only by or under the supervision of the headmaster. Corporal punishment should never be inflicted on any recognized school on boys of the sixth form. The headmaster shall record in a register every case in which corporal punishment has been inflicted specifying the name, class and age of the pupil, the date, the nature of the offence and the amount of punishment. Gross cases of immorality and insubordination shall be punished by expulsion subject to the conditions specified in rule 53."

Rule 53

Substitute the following for clause (1), (N.E. being retained):—

"Every school shall keep in the prescribed form and submit to the inspecting officer, when required, the following:—

(1) A register of admissions and withdrawals (Appendix 12).

(2) A register of attendance for pupils (Appendix 13).

(3) A register showing the previous school history of new admissions.

(4) A term fee register (Appendix 14).

(5) A time-table.

(6) A marks list.

(7) A register of attendance for masters (Appendix 4).

(8) An equipment roll (Appendix 15).

(9) A log book.

(10) A library register.

(11) A register of scholarships (Appendix 16).

(12) A cash book showing all receipts and expenditure (Appendix 17).

(13) A register of furniture, books and appliances purchased with the aid of grants from public funds (Appendix 18)."

Rule 54

Insert the words "by the Director" between the words "time" and "for" in line 1.
Insert the following as rule 55-A:—

Examinations.

"Written examinations shall be held at least once every term to test the progress of students. The results of these examinations should be recorded in a book specially kept for the purpose."

Rule 55

For the words "Inspector of Technical Schools" substitute "Inspector," and for "Appendix B" read "Appendix 19."

Rule 56

Quilt the word "already," occurring in line 2.

RULE 78.

Add the following to clause (2) :—

"(4) Examinations shall be held according to the rules laid down from time to time by Government or the Director."

In the heading of Chapter VI and VII for the word "Additional" substitute "Special."

RULE 86.

For the word "Director" in line 1 substitute "Inspector."

RULE 87.

Substitute the following for the first sentence of clause (1) of this rule :—

"The ordinary school day shall consist of not less than five hours in classes from the fifth class to form six and of not less than four hours in classes one to four."

RULES 88 AND 89.

For the existing rules substitute the following :—

"88. (1) Sunday shall be a whole holiday in all schools and colleges. In all Madrasah schools Friday also shall be a whole holiday. In all other schools and colleges Saturday shall be a whole holiday in addition to Sunday."

"(2) Miscellaneous holidays.—The following, when convenient holidays shall be allowed. With the sanction of the Inspector any local holidays may be substituted for those named in the list :—

In Hindu schools.

Name of holiday	Number of days
Vernal New Year's Day	1
Deep avani or Avani Ashtami	2
Vinayachaturthi	1
Krishna Jayanti	1
Mahalaya Agastya	1
Good-will Pujā or Dham	1
Dipavali	2
Govardhi	1
Navratri	1
Spring New Year's Day	1
King-Emperor's Birthday	1
Easter	6
Dussehra Day	1
Mid-term holiday	7
Vaisakhi Mela	1
Pongal	3

In Mohammedan schools.

Makarum	10
Baq-id	5
Ashura-chatur shamba	1
Born-Walid	1
Gorvin	1
Shaban	1
Pir Piliwan's urus	1
Bakid Shabud's urus	1
Khadir Walker's urus	1
King-Emperor's Birthday	1
Easter	6
Dussehra Day	1

Note.—(1) Clauses (1) and (2) of this rule apply to colleges and elementary schools also.

(2) The ordinary Friday should whenever possible be observed with lessons or other holidays.

"(3) Summer vacation.—The summer holidays shall usually be for six weeks. In Madrasah schools a period of one month shall be allowed for each of the Ramzan and the Gharman vacations and in the years in which these overlap the schools shall be allowed six weeks for both vacations. If the Government orders at any time during the period between 15th May and 15th June the duration of the combined vacation shall not exceed one month and fifteen days, it being made to commence earlier or later than 15th May when necessary."

"(4) Christmas vacation.—The Christmas holidays shall usually extend from the 23rd December to the 3rd January, both days inclusive. But in Madrasah schools an extra week may be added when a combined vacation of six weeks only is granted for the summer and the Ramzan holidays."

"(5) In all cases in which changes are made in the regular holidays a notice with the number and date of the order sanctioning the change and signature of the Inspector shall be hung up in the premises. The day on which a school is closed for the summer and Christmas vacations and that on which it is re-opened after these vacations shall be reported to the Inspecting Officer."

"(6) In schools for special education the summer and Christmas vacations shall be determined by the special circumstances of each institution."

"89. The rule relating to corporal punishment for secondary schools for boys laid down in Chapter III will also be applicable to the institutions dealt with in this chapter."

RULE 90.

Delete this rule.

RULE 92.

(1) In line 5 insert the word "Director" before the word "Inspector."

(2) Add the following as a first-note to the rule:—

Note.—This rule is applicable to colleges and secondary schools under public management.

RULE 93.

After the wording of the rule to make the second sub-paragraph the first and vice versa.

RULE 95.

Insert the words "and his attendance registered" between the words "institutions" and "whether."

RULE 96.

Add the following at the end of the rule:—
'Certificates of the results should be filed.'

CHAPTER VIII.—S. PARAGRAPH (8).

In line 5 insert the word "Government" between the words "competing for" and "scholarships."

RULE 103.

For the words "in backward districts" read "in backward localities."

RULES 105 AND 106.

Substitute the following for the existing rules:—

"105. Institutions for the training of teachers shall be classified as follows:—

"(i) Training colleges, institutions in which graduates are trained;

"(ii) Secondary training schools or sections, institutions in which the following classes of persons are trained:—

(1) Persons who have passed the Matriculation examination, the European High School examination, the late Upper Secondary examination, the late Higher examination for women or who have gained educational qualifications accepted by the Director.

(2) Persons holding secondary school-leaving certificates and certificates granted under G.O. No. 1019, Home (Education), dated the 27th September 1916 [Appendix B].

"(iii) Elementary training schools or sections, institutions in which persons who have completed a course of instruction including at least the eighth standard or third form are trained for the elementary higher grade or where persons who have reached some lower stage of instruction are trained for the elementary lower grade.

"An institution of a higher grade may include the grades below it, in which case the grades shall be designated "departments" and the institution as a whole shall, as in colleges and schools of general education, be designated according to the maximum general education standard required of teachers under training in the highest department.

"106. The following scheme shows the possible classes in a training school or section:—

Secondary	1st year.
	second year.
Higher elementary	1st year.
	second year.
Lower elementary	1st year.
	second year.

"Each training institution shall have a model school attached to it containing the forms, classes or standards necessary for the training of teachers of the grades comprised in it."

RULE 107.

For the words "the Inspector of Training Schools" substitute "the Inspector of the schools."

RULE 108.

For the existing entry against "Gymnastic Instructor" in the statement of qualifications of staff substitute "Gymnastic Teachers' Certificate."

RULES 111 AND 112.

Substitute the following for the existing rules:—

"111. The period of training shall consist in colleges of two terms and in secondary and elementary schools of four terms, but it shall be in the power of the Director to shorten the period under special circumstances or to lengthen it in order to enable a student of any grade to undergo a special or an extended course of training. Inspectors and Inspectresses may lengthen the period of training in training schools in the case of students who owing to illness or other unavoidable cause of absence during their period of training require an extended course or in the case of students who having failed in the Training School Leaving Certificate examination for teachers' certificates seek re-admission.

" 115. The number under training in no class of a training school shall exceed forty without the express sanction of the Inspector."

NOTE 114.

- (1) In sub-paragraph (1) for the words "Appendix B" read "Appendix 21."
(2) Omit the word "containing" occurring in sub-paragraph 2.

NOTE 115 AND 117.

Substitute the following for the existing rule:—

" 115. The selection of candidates for admission into training colleges shall be made by the heads of the respective institutions. The selection of candidates for admission into training schools for masters shall rest with the Inspector of the district and of those for mistresses with the Inspector of the district.

" Applications for admission into training colleges shall be sent through the Inspecting officers, the Presidents of Local Boards, the Chairmen of Municipal Councils or the Managers of schools, as the case may be, to the head of the institution to which admission is sought.

" Applications for admission into training schools shall be submitted to the Inspector or Inspectress of the district through the local inspecting officers. Headmasters or headmistresses shall, after all the admissions have been made, submit to the Inspector or Inspectress of the district a consolidated application for sanction of students in the form prescribed in Appendix 22. Every care shall be taken to exclude those who may be thought to wish to engage training chiefly for the sake of the stipend and without a real intention of making teaching a profession. In the selection of candidates preference shall be given to those of the following classes in the order in which they are named:—

- " (1) Teachers employed in public schools.
" (2) Persons to whom local boards or municipal councils have given provisional appointments in schools under their management.
" (3) Village schoolmasters in whom teaching is a regular profession.
" (4) Persons specially selected by managers or headmasters or headmistresses under an agreement to return as teachers.
" (5) Persons desirous of adopting the teacher's profession.

" Secondary school-leaving certificates presented by applicants for admission into a training school shall be carefully scrutinized by the officers responsible for the selection of students and preference given in order of merit to (1) those which show "sufficient knowledge in two of the optional subjects specified in group C other than shorthand and typewriting" and whose holders are consequently eligible for Government service and (2) those which do not show two such optional subjects.

" 117. The maximum number of provisional stipendiaries admissible in any year into the several departments of a training institution shall collectively be as follows; but the Inspector shall be empowered to sanction a larger number of admissions where funds are available:—

	For	For
	males	females
College Department	40	5
Secondary Department	50	10
Elementary Department	40	40

NOTE 118.

For the words "Stipendiaries who have studied up to the VII standard" substitute "Higher Elementary stipendiaries."

NOTE 119.

For the words "the Inspector of Training Schools and the Inspectresses of Schools in the case of girls" substitute "Inspector in the case of boys and Inspectresses in the case of girls."

NOTE 120.

- For the words "Every student for the first term" substitute the following:—
"Every student shall be considered to be on probation for fifty working days."

NOTE 121-123.

For the words "by the Inspector of European and Training Schools or by the Inspectress of the district" occurring at the end of clause (1) substitute "by the Inspector or Inspectress of the district."

NOTE 124.

For the words "for the approval of the Director in the case of colleges and of the Inspector of Training Schools or Inspectresses in the case of schools" substitute "for the approval of the Inspector or the Inspectress in the case of schools."

NOTE 125.

- (1) In clause (1) and the words "subject to the approval of the controlling authority."
(2) Substitute the following for clause (2).—

"(2) The head of an institution may grant leave without loss of stipend, for a period not exceeding one month in each year of the training course, to a student who is absent in consequence of some sickness certified to by a competent medical authority as, where this is not available, after full enquiry. If the leave exceeds one month, no stipend shall be granted for the same period."

RULE 126.

In line 3, for the word "examination" read "examinations."

RULE 127.

(1) For the words "Appendix U" in clause (b) read "Appendix 13."

(2) Add the following as clause (d):—

"(4) The fulfilment of the conditions of the agreement may be postponed with the sanction of the Inspector in cases where a student desires to study in a secondary school so as to improve the grade of his certificate."

RULE 128.

For the words "Appendix V" and "Appendix W" read "Appendix 14 and Appendix 15," respectively.

RULE 129.

Substitute the following for the existing rule:—

"For the purpose of giving students an opportunity of acquiring professional knowledge of, and skill in, bookbinding, applied or technical subjects, arrangements may be made for their attendance at the College of Engineering, or the College of Agriculture, or the School of Arts, or such other institution as the Director may approve of."

"During a student's attendance at another institution he shall keep a diary showing the nature of the work in which he is engaged and the time devoted to it."

"At the expiration of every three months the head of the institution in which the student is working shall forward to the head of the training college or school a brief report on the conduct and progress of the student."

RULE 132.

For the word "Director" substitute "Inspector."

RULE 135.

Delete the words after "Manager" in the first sub-paragraph and insert the following as a new sub-paragraph:

Note.—The rules of guests towards ships from Provincial ports will be found in the Customs and Code.

RULE 137.

(1) In sub-paragraph (2) for the words "Native Christian" substitute "Indian Christian."

(2) Add the following as a third sub-paragraph:—

"The fulfilment of this condition may also be postponed with the sanction of the Inspector in cases where a student desires to study in a secondary school so as to improve the grade of his certificate."

RULE 140.

(1) In line 3 for the words "of the first or second class" substitute "of the first, second or third class."

(2) In line 5 for "certificate" read "certificates."

(3) For the existing sub-paragraph (4) substitute the following:—

"Candidates for Teachers' certificates of grades lower than the certificate shall pass the Training School Leaving Certificate examination and shall have their certificates countersigned by a District Inspector's signature."

RULE 141.

(1) After the existing heading add "Training School Leaving Certificate Examination."

(2) For the words "The preliminary examination shall be conducted by the Inspector of Training Schools" substitute "The examination shall be conducted by the Inspector of European and Training Schools."

RULE 142.

Insert the heading and substitute the following for the existing rule:—

"The examination shall be held once a year and ordinarily in the last week of March. It shall be held at such centers as the Inspector of European and Training Schools may from time to time appoint and all necessary arrangements for it shall be made by him."

RULES 144 AND 145.

Cancel the heading and also the word "preliminary" in lines 1 and 5 of the rule.

RULE 148.

Cancel the heading and the word "preliminary" in the last line of the rule.

RULE 147.

Cancel the heading and the word "preliminary" in line 1.

RULE 148.

For the second sub-paragraph substitute the following:—

"The certificate shall be in a form prescribed by the Director and shall state his name, age, rank, his general educational qualifications and his status in the Training School Leaving Certificate examination and shall contain space for the Inspector's signature and remarks."

RULE 149.

Substitute the following for the existing rule:—

"Completion of Teachers' Certificates."

"Inspectors and Assistant Inspectors shall take the earliest opportunity of visiting schools in which probationary teachers are employed and shall, after satisfying themselves of the correctness of the entries in the certificates of service and after testing in such manner as they consider necessary the ability of the teachers, decide whether the certificates shall then be completed by the signature of the Inspector. No certificate shall be completed which does not show at least eighteen months' satisfactory work in a recognized school."

"A teacher whose certificate is not completed in this way within the three years' period mentioned in rule 349 shall cease to enjoy the status of a trained teacher until his certificate is completed."

"Inspectors and Inspectresses shall forward in January of each year to the Inspector of European and Training Schools lists of teachers whose certificates they have completed enclosing them as of the first or second class. The Inspector of European and Training Schools shall publish a consolidated list of such teachers in the Port St. George Gazette."

RULES 156 to 154.

Delete these rules.

RULE 157.

Substitute the following for the existing rule—

"The fee required to be paid by candidates for the Training School Leaving Certificate examination shall be the following:—

	1917.
"Secondary grade	5
"Elementary grade	1

"A candidate who fails in an examination may be admitted subject to the provisions of the foregoing rules to a subsequent examination on payment of the same fee on each occasion."

RULE 158.

"For the words 'may be granted without further examination as' with the approval of the Director' substitute 'may be granted by the Inspector of European and Training Schools without further examination.'"

RULE 159.

For the words "Inspector of Training Schools" read "Inspector of European and Training Schools" and for "Appendix 26" read "Appendix 25."

RULE 160.

Substitute the following for the existing rule—
"Candidates for technical teachers' certificates shall be required to show their ability in teaching a standard example in the grade of technical teachers' certificate held."

RULE 162.

For the words "Inspector of Training Schools" read "Inspector of European and Training Schools" and for "Appendix 25" read "Appendix 27."

RULE 165.

For the words "manager of a school" substitute "manager of the school."

APPENDIX A.

Delete the appendix.

APPENDIX B.

(i) Repeal as Appendix 1.

(ii) For existing columns 11 and 12 substitute the following:—

	Now book with column	Revised column	Leaf.
	Page 10th.	Page 10th.	Page 10th.
	Final standard		
	Second "		
	Third "		
	Fourth "		
	Fifth "		
	Sixth "		
	Seventh "		
	Eighth "		
	(1) Attendance and withdrawal,		
	(2) Attendance.		
	(3) Attendance of masters.		
	(4) Progress and conduct.		
	(5) Inspection book.		
	(6) Visitor's book.		

APPENDIX C.

(i) Repeal as Appendix 2.

(ii) Insert the following new columns in the register:—

(a) "Whether protected from small-pox or not" after column 8;

- (b) "Old addresses" column in case of "residence" after column 11;
and "residence" column after column 9 to 15.

(12) Insert the following at the foot of the register:—

"In the case of Indian Christians of backward origin, the birth or date to which their families originally belonged should be indicated in brackets."

APPENDIX D.

(1) *Repeal* as Appendix 3.

(2) Insert at the beginning a new column "Serial number" in column 1 and renumber the existing columns 1 to 6.

APPENDIX E.

(1) *Repeal* as Appendix 4.

(2) Add the following to the note at the foot of the register:—

"Teachers should initial in the proper places. Such marks as / and \ do not suffice."

APPENDIX F.

(1) *Repeal* as Appendix 5.

(2) For the existing entries in column 2 of the register substitute the following:—

First	Fourth	Seventh
Second	Fifth	Eighth
Third	Sixth	

(3) In column (3) of the directions at the foot of the register for "third" substitute "fourth"

Insert the following as Appendix G:—

"APPENDIX G.

"Chapter II, rule 10.

"Form of register" book.

"Name of the school."

Date of visit	Name and designation of the visiting officer.	Number of children under 16 years of age present by means of school register at the time of visit.	Number of teachers present.	Any general remarks at the visiting officer.

APPENDIX H.

(1) *Repeal* as Appendix 7.

(2) In column 5 for classes add to fourth substitute the following:—

First class	Fourth class
Second class	Fifth class
Third class	

Repeal as Appendix 8.

APPENDIX I.

APPENDIX J.

(1) *Repeal* as Appendix 9.

(2) In paragraph 1 for the words "with a view to the issue of" substitute "for the issue of," and for "Hospital Assistants" read "Sub-Assistant Surgeons."

(3) In paragraph 9 for "Health Officer of the Madras Municipality" read "Health Officer of the Corporation of Madras."

APPENDIX K.

Delete the appendix.

APPENDICES L AND M.

Repeal as Appendix 10 and Appendix 11 respectively.

APPENDIX N.

(1) *Repeal* as Appendix 12.

(2) In column 8 between the words "certificate" and "was" insert "issued by the department."

(3) In column 9 between the words "certificate" and "was" insert the words "from a Secondary school."

(4) Insert the following two new columns in the register:—

- (a) "Whether protected from smallpox or not" after existing column 11;
(b) "Date" after existing column 12;

and renumber columns 12 to 16.

(5) Add the following to the note at the foot of the register:—

"In the case of Indian Christians of backward origin the date or date to which their families originally belonged should be indicated in brackets."

Remainder as Appendix 18.

Appendix QQ.

(i) Remainder as Appendix 19.

Appendix R.

(ii) In column 2 omit all words after "establishment," and in column 3 omit the details given under "nomenclature."

Insert the following as Appendix 30:—

"APPENDIX 23.

"(Group IX, rule 161.)

"[G.O. No. 1015, Home (Education), dated 27th September 1918.]

"*Notice of a special examination under the Secondary School Leaving Certificate Board for the benefit of the teachers who have failed in the Metropolitan or the Upper Secondary Examinations and are desirous of being admitted for secondary grade teaching.*

"The examinations will be held at the same time as, and the question papers will be the same as those of, the public examination held under the Secondary School Leaving Certificate scheme.

"2. The subjects of the examination will be as follows:—

"All the subjects of group A and any subject from group C—

Group A.	
Elementary mathematics. English.	Vernacular composition and translation.
Group C.	
Languages.	
(a) Classical— Sanskrit. Arabic.	History of England. History of India. Geography.
(b) Indian vernaculars— Urdu (Hindustani). Kannada. Tamil. Telugu. Malayalam. Urdu.	Algebra and Geometry. Practical mathematics. Botany. Physics. Chemistry.

"3. A certificate showing the marks obtained by the candidate in the subjects he was examined in will be issued to him.

"4. Applications for admission to the examination will be received only from those teachers who have failed in the Metropolitan or the Upper Secondary examinations and should be submitted through the Circle Inspector or the Inspectors concerned to the Secretary to the Commissioner for Government Examinations, Madras, on or before the 25th January. The fee for admission is Rs. 12. The amount should be paid into a Government treasury and the treasury receipt attached to the application. Forms of application may be obtained from the Secretary to the Commissioner for Government Examinations, Madras."

Appendix S.

(i) Remainder as Appendix 21.

(ii) Delete item 21 (Amount of monthly stipend sought) and renumber the following two items as 11 and 12.

Appendix T.

Substitute the following for the appendix:—

"APPENDIX 22.

"(Circle IX, rule 115.)

"*Application for sanction of stipend.*

Name of candidate.	Religion.	Caste.	Examination passed with class and year in the class or board to which they have applied in the case of those who have passed an examination.	Amount of monthly stipend sought.	Remarks.
				Rs. & p.	

"In the case of Indian Christians of backward origin, the caste or class to which their families originally belonged should be reflected in brackets."

REVENUE APPENDIX 22.

APPENDIX U.

APPENDIX V.

(i) *Reverend as Appendix 24.*(ii) *For item 7 substitute the following:—*

* 7. Training School Leaving Certificate Examination—

(a) Date of opening.

(b) Date of passing with class.

(c) Date of completion of the Training School Leaving certificate."

APPENDIX W.

(i) *Reverend as Appendix 25.*(ii) *For the existing entries under item 5 substitute the following:—*

	June	July	August	October	November	December	January	February	March	April	May
1. Late entrance											
2. Casual leave											
3. Sick leave											
4. Leave on day of absence ..											

APPENDICES X AND XX.

*Reverend those as Appendix 26 and Appendix 27 respectively.*S. RAMACHANDRA BAO,
Secretary to Government.

MISCELLANEOUS NOTIFICATIONS.

LEAVE AND APPOINTMENT.

The Director is pleased to grant privilege leave for one month from or after the 1st September 1917 to M.R. Ry. V. P. Subrahmanya Ayyar, Sub-Assistant Inspector of Schools, Combarakuranga and Personal Assistant to the Inspector of Girls' Schools, Southern Circle (Temporary), and to appoint M. R. Ry. P. K. Subrahmanya, Temporary Assistant, Government Secondary Training School for Masters, Coimbatore, to act as Personal Assistant to the Inspector of Girls' Schools, Southern Circle, on a salary of Rs. 20-0-0 per mensem during the absence of M.R. Ry. V. P. Subrahmanya Ayyar on leave or until further orders.

Madras, 20th October 1917.

APPOINTMENT.

The Director is pleased to appoint M.R. Ry. S. V. Subba Rao Patanki, Supervisor of Elementary Schools, Boreilly sub-division, to act as Sub-Assistant Inspector of Schools, Jalore range, and, *vice versa*, to the Sub-Assistant Inspector of Schools, Jalore range, on a salary of Rs. 20-0-0 per mensem during the absence of M.R. Ry. S. V. Subba Rao Patanki on leave or until further orders.

POSTING.

M.R. Ry. K. Balasa Ayyar Ayyar, Assistant Inspector of Schools, South Arcot district (Temporary), to act as Supervisor of Schools, V Circle, in the Provincial Educational Service, during the absence of M. R. Ry. M. Subrahmanya Ayyar on privilege leave or until further orders. To join immediately on the expiry of his present leave.

Madras, 16th October 1917.

J. E. STONE,
Director of Public Instruction.

GOVERNMENT EXAMINATIONS.

SPECIAL TEST EXAMINATIONS—OCTOBER 1917.

NOTICE TO MAJOR CADETMASTERS.

Cadetmasters for the coming Special Test Examinations are informed that they will have to sit for the examination at the Senate House, Chipping. A copy of the provision that will be posted at the

answers to the Senate House on Friday, the 19th October 1917, and the candidates are expected to learn their days for members from this list. No hall-tickets will be issued.

Office of the Court, for Govt. Examinations,
Madras, 19th October 1917.

NOTICE TO CANDIDATES FOR THE PAPER-WRITING TEST.

The following instructions are published in order that candidates may know what is expected of them in this test:—

Instructions to Candidates.

The object of a *prosa* is that any one who has not time to read the original correspondence may, by reading the *prosa*, be put in possession of all the leading features of what passed.

2. The candidate should begin by reading the whole of the correspondence carefully through without writing anything, so that he may clearly understand what passed and be in a position to decide what are the main heads under which the important facts should be arranged. He should then read through the paper again, writing what is important.

3. The *prosa* should begin with a brief and bold introduction to the subject under treatment. This should be followed by a narrative in the past tense containing a brief and clear statement of the substance of the correspondence, not in the order of the papers as given, but according to chronological order, but in correct order. An abstract of every paper in the correspondence or an index of its contents is not a *prosa*.

4. The words of a *prosa* are:—

- (1) to contain all that is important in the correspondence and nothing that is unimportant;
- (2) to present this in a readable and consecutive shape, expressed as intelligibly and directly as possible;
- (3) to be as brief as is compatible with simplicity and clearness;
- (4) to present a strictly accurate and logically connected statement of the contents of the correspondence.

No candidate can expect to give who writes any one of the most important points; marks will be deducted if important points are omitted, or if facts are repeated unnecessarily; but, it is not only necessary to give the date of every paper in the correspondence and the full name and designation of the writer on receipt of every letter; and if a fact is repeated in different papers it need not generally be noted more than once in the *prosa*.

5. Grammar, spelling, style and handwriting will be considered in assigning marks; but it must be remembered that mere excellence in composition will not compensate for inaccuracy or incompleteness in the presentation of the facts of the correspondence.

ANSWER, JUNE AND REVENUE TESTS AND CIVIL AND CRIMINAL JUDICIAL TESTS.

Notes.

Candidates should bring their own books with them for the purpose of answering those of the question papers for which the use of books is allowed.

In the case of the Answer and June Tests, the use of the Civil Answer Code and its Index will be allowed, and in the case of the former test the use of the following books also will be allowed, viz., (1) an Introduction to Indian Government Accounts, (2) an Introduction to Indian Government Audit, and (3) the Civil Service Regulations.

In the case of the Revenue Test (Higher and Lower grades), the following books as listed by the Department, Government Press, may be used by candidates in the examination hall:—

- | | |
|-----------------------------------|------------------------|
| (1) Board's Standing Orders, | (5) Income-tax Manual, |
| (2) Revenue Regulations and Acts, | (6) Excise Manual, and |
| (3) Village and Taluk Manuals, | (7) Special Funds Code |
| (4) Storey Manual, | |

In the case of the Civil Judicial Test, and the Criminal Judicial Test (Higher and Lower grades), the books used are necessarily Government publications.

NOTE 1.—The use of books containing commentaries will not be permitted, but notes made by candidates in their books will not be objected to, if they consist merely of corrections, amendments or generally any references made for the purpose of facilitating study.

NOTE 2.—The use of guides, digests, commentaries, etc., will not be allowed.

Office of the Court, for Govt. Examinations,
Madras, 19th October 1917.

It is hereby notified that the Special Test Examinations will be held on Monday, the 29th October 1917, and following days. The timetable showing the date on which and the hour at which each question paper will be given out also appears in this issue.

Office of the Court, for Govt. Examinations,
Madras, 19th October 1917.

Notice is hereby given that the Special Test Examinations will be held on Monday the 29th of October 1917 and eight following days. The statement below shows the hours at which each question paper will be given out and accordingly the time when such candidates for the respective tests should be present:—

Date.	Time.	Subjects.	Test.
1917.			
Monday, October 29th.	10 a.m. to 1 p.m.	Handwriting and Tamil Questions and the Special Tamil Code (with books).	Examina. Test, Higher and Lower Grades.
	4 p.m. to 6 p.m.	The Stamp, Income-tax and Estate Murab (with books).	Examina. Test, Higher and Lower Grades.
Tuesday, October 30th.	10 a.m. to 11 a.m.	Examina. Test and Examinations—General Principles.	Examina. Test, Higher and Lower Grades.
	11 a.m. to 1 p.m.	The Civil Procedure Code, the Criminal Code and the Code of Practice (Civil)—General Principles.	Civil Judicial Test.
	2 p.m. to 4 p.m.	Examina. Test and Examinations—Detailed applications (with books).	Examina. Test, Higher and Lower Grades.
	4 p.m. to 6 p.m.	The Civil Procedure Code, the Criminal Code and the Code of Practice (Civil)—Detailed applications (with books).	Civil Judicial Test.
Wednesday, 31st October.	10 a.m. to 11 a.m.	The Criminal Code and the Magistrate Instructions Act.	Civil Judicial Test.
	2 p.m. to 4 p.m.	Banking Orders of the Board of Examinations—General Principles.	Examina. Test, Higher and Lower Grades.
	4 p.m. to 6 p.m.	The Transfer of Property Act—Detailed applications (with books).	Civil Judicial Test.
Thursday, November 1st.	10 a.m. to 11 a.m.	The Civil Account Code (with books).	Act Test.
	11 a.m. to 1 p.m.	The Indian Evidence Act—General Principles.	Criminal Judicial Test, Higher and Lower Grades.
	2 p.m. to 4 p.m.	Law, rules, regulations and orders relating to Act.	Act Test.
	4 p.m. to 6 p.m.	The Indian Evidence Act—Detailed applications (with books).	Civil Judicial Test.
Friday, November 2nd.	10 a.m. to 11 a.m.	The Provincial Land Revenue Act—Detailed applications (with books).	Civil Judicial Test.
	11 a.m. to 1 p.m.	The Indian Penal Code.	Act Test.
	2 p.m. to 4 p.m.	The Indian Penal Code—General Principles.	Criminal Judicial Test, Higher and Lower Grades.
	4 p.m. to 6 p.m.	The Stamp Act, the Court Fees Act and the Civil Procedure Code—General Principles.	Civil Judicial Test.
Saturday, November 3rd.	10 a.m. to 11 a.m.	The Code of Criminal Procedure—General Principles.	Act Test.
	11 a.m. to 1 p.m.	The Indian Penal Code—Detailed applications (with books).	Criminal Judicial Test, Higher and Lower Grades.
	2 p.m. to 4 p.m.	The Stamp Act, the Court Fees Act and the Civil Procedure Code—Detailed applications (with books).	Civil Judicial Test.
	4 p.m. to 6 p.m.	The Code of Criminal Procedure—General Principles.	Criminal Judicial Test, Higher and Lower Grades.
Sunday, November 4th.	10 a.m. to 11 a.m.	The Civil Account Code, the Introduction to Indian Government Accounts and the Introduction to Indian Government Accounts (with books).	Account Test.
	2 p.m. to 4 p.m.	The Civil Service Regulations (with books).	Account Test.
Tuesday, November 6th.	10 a.m. to 11 a.m.	Translation from English into Tamil.	Translation Test, Lower Grades.
	11 a.m. to 1 p.m.	Translation from English into Tamil.	Translation Test, Higher Grades.
	2 p.m. to 4 p.m.	Translation from Tamil into English.	Translation Test, Lower Grades.
	4 p.m. to 6 p.m.	Translation from Tamil into English.	Translation Test, Higher Grades.
Wednesday, November 7th.	10 a.m. to 1 p.m.	Penal-writing.	Penal-writing Test.

3. Attention is drawn to the following rules:—

(1) No candidate will be allowed to enter the examination room unless he wears a clean and decent dress, and, in all cases where good manners require it, a suitable covering for the head, say will be allowed to keep his dress on unless they are above of English pattern, and such and buttons are worn also.

No candidate entering from any contiguous offices will be admitted to the examination room.

(2) No candidate will be allowed to quit the examination room on any day until the expiration of half an hour from the time fixed for the commencement of the examination, and candidates arriving after the expiration of that half hour will not be admitted.

(3) No candidate will be allowed to re-enter the examination room during the hours of examination unless upon quitting it, due to leaving the room without firstly giving up his answer papers.

(4) Any candidate detected in speaking to, or in any way communicating with, any other candidate will be at once removed from the room, and the communication reported to the Commissioner.

(5) Any candidate who does not behave properly towards the Chief and Assistant Superintendents of the examination or is supposed of having had recourse to malpractice of any kind is liable to have his candidature forfeited and also to be debarred from appearing again for any of the examinations under the control of the Commissioner for such term of years as the Commissioner may think fit; or, if the Commissioner is not satisfied for any reason, say, as to the propriety of his conduct, he may be required to undergo a re-examination at some future date to be fixed by the Commissioner in any one or more of the subjects of the examination for which he appeared, his answer or failure being determined on the results of such re-examination.

(6) No candidate will, on any account, be allowed to take into the examination room slates, books, maps, notes or papers of any kind. [In the case of candidates, however, coming up for the Ancient, Folk, Civil, Natural, Criminal, Medical, and Revenue Tests, the use of books will be allowed in answering certain question papers.] Any one detected in the violation of this rule, or having recourse to any unfair practice, will be removed from the room, and the correction reported to the Commissioner.

(7) Candidates whose names are not in the printed list forwarded to the Superintendent must submit a written declaration through the Superintendent, giving full particulars in regard to themselves and furnish such evidence as may be possible of their having applied for admission to the examination at the proper time and paid the prescribed fee. The answer papers of such candidates will not be valued unless it is clear that the omission of their names is due to the fault of others.

(8) Candidates desiring to change their place of examination without previous permission, or appearing at any centre other than the one at which they ought to have appeared according to the notice published in the Gazette, must not expect to have their papers valued or their results published. In all cases where permission has been granted, the memorandum or letter permitting the change should be produced on the completion of the examination.

(9) A candidate having completed his paper will rise from his seat and remain standing until the Superintendent takes his answer papers. Any candidate wishing to ask any question of the Superintendent will permit the same course, but will not on account leave his place.

(10) Any papers sent up without the candidate's name and number affixed will not be valued.

(11) Candidates are forbidden to write down the answer to any question on the question paper itself; they will not be allowed to take any papers, except their question papers, out of the examination room.

(12) Candidates are forbidden to tear up papers or to throw ink or papers on the floor. All "spoil" copies, etc., should be left on the desk where the candidate has been writing.

Office of the Chief, for Govt. Examinations,
Madras, 16th October 1911.

GOVERNMENT TECHNICAL EXAMINATIONS—DECEMBER 1911.

Notice is hereby given that the Written test in connection with the next Government Technical Examinations in Minor Railway Engineering, Intermediate grade, will be held on Thursday the 1st December 1911, at the Principal and not now being conducted immediately after this day in accordance with a notice that will be published in due season in Part I-B of the Part II, Gazette Gazette.

3. The Written and Practical and viva voce examinations will be held only at Madras. No notice will be taken of the application of any candidate who writes a notice other than Madras.

4. In the case of applications from pupils, the head of the institution from which they are sent is requested to care, before signing the certificate at the foot of such application, that the institution has been recognised by the Director of Public Instruction, Madras, as fitted to impart instruction in Minor Railway Engineering according to the Intermediate grade.

5. Heads of institutions recognised for General Education only should not sign the certificate at the foot of the application form filed in by any of their pupils coming up for the Technical examination.

6. Each candidate should submit along with his application a certificate signed by the Railway Engineer or the Assistant Railway Engineer that he has undergone a Two months' course in "Minor Railway Engineering—Intermediate grade."

7. Candidates mentioned in their applications made out in English on printed forms that they reach the Commissioner's Office on or before the first October after which date no application will be received.

8. Candidates in the technical should obtain the required application forms from the Secretary of the school in which they are resident or of the district in which they belong. Candidates who are residents of Madras should apply for application forms at the office of the Commissioner for Government Examinations, Old College, Singapore Road, and not to the District of Madras.

9. No notice will be taken of any application from candidates in the technical requiring to be supplied with application forms from this office.

10. The prescribed fee of Rs. 500 per day, that is, the fee prescribed for a subject, according to the Intermediate grade, must be paid in every case also to Government Treasury, or, if at Madras, into the Bank of Madras, on or before the 31st October, and the receipt given by the Treasury Officer

DIRECTOR OF QUINCY FELLOWSHIP BY REGISTERED GRADUATES.

It is hereby notified that, under section 4 (3) of the Indian Universities Act, 1904, M.R.P. Rao Bahadur K. S. Ramaswami Ayyangar, Esq., M.A., and M.R.P. G. A. Nataraj, Esq., M.A., will open to be Fellows of the University as from 15th November 1917 and that M.R.P. P. Lakshminarayana Murthy, Esq., B.A., resigned his Fellowship as from 15th May 1917 and that, under section 7 (1) of the Act, the three vacancies thus created among the "Quincy Fellows elected by Registered Graduates" are to be filled by an election which, by direction of His Excellency the Governor, will take place at the Senate House on Friday the 6th November 1917, between the hours of 4-12 p.m. and 2-30 p.m.

Only Graduates who have been registered as on or before the 22nd October 1917, shall vote and are alone eligible for election.

In accordance with Regulation 133, the Registrar will, on or before the 22nd October 1917, forward a numbered voting paper to each Registered Graduate not resident in Madras.

Voters resident in the City of Madras shall receive, fill in and sign these voting papers at the Senate House, within the hours noted above, and deposit them in the ballot box. Any voter, resident in Madras, but who happens to be temporarily staying in the neighbourhood at the time of election, may call for his voting paper from the Registrar and forward it by registered post filled in and signed as provided for in Regulation 133.

In accordance with Regulation 134, voters not resident in the City of Madras shall fill in and sign their papers in the presence of a Magistrate (not being a Village Magistrate), District or Sub-Registrar, District Munsiff or Judge, who shall authenticate the voting paper with his signature and designation. The voter shall thereupon forward the voting paper in a registered cover addressed to the Registrar as on or about noon not later than 6-30 p.m. on Friday the 6th November 1917, the hour at which the ballot closes. Any such voting paper received later than the closing of the ballot and any paper received unopened or otherwise than by registered post shall be regarded as invalid for the purpose of the election. Special orders attributed to the Registrar for returning the voting-papers will be supplied to voters. If a voter actually resident in the neighbourhood happens to be temporarily staying in Madras at the time of the election, he may bring his voting-paper to the Senate House and deposit the vote in person as provided for in Regulation 135.

(By order)

F. DEWESEKUNY, Esq., M.A.,
Registrar.

Senate House, 22nd October 1917.

TEACHERS' CERTIFICATE EXAMINATION IN PHYSIC AND GYMNASIUM, 1917.

An examination for Gymnastic Teachers' Certificate will be held in Madras at the Physical Training Centre, Egmore, in November 1917.

The exact date of the examination will be notified later.

3. Only candidates who have been trained in one of the sub-mentioned institutions will be admitted to the examination:—

First Circle	.. ..	.. Municipal High School, Chinnai.
Second Circle	.. ..	.. Town High School, Madras.
Third Circle	.. ..	.. Municipal High School, Chinnai.
Fourth Circle	.. ..	.. [Informal School, Chinnai.]
Fifth Circle	.. ..	.. S.P.A. High School, Tenkasi.
Sixth Circle	.. ..	.. Government College, Kumbakonam.
Seventh Circle	.. ..	.. St. Peter's College, Tirunelveli.
Eighth Circle	.. ..	.. C.M.S. High School, Palani.
Ninth Circle	.. ..	.. Government Training School, Coimbatore.
Tenth Circle	.. ..	.. St. Joseph's College, Bangalore (Cantonment).

3. Candidates should have a fair knowledge of physical exercises, such as those prescribed in article A to C of the syllabus of Physical Education for schools published by the Board of Education, London, in 1909, price nine pence (9d.) and issued by Messrs. Wynnes & Sons, London.

Candidates should be properly dressed; namely of the following will be considered a suitable costume:—

- (1) Tunic, white trousers and tennis shoes with belt or sash.
- (2) Tunic, khaki or white shorts and bare legs with belt and socks.

4. Applications for admission must reach the office of the Inspector of European and Training Schools, Madras, S.W., on or before the 15th November 1917. They must be prepared in the prescribed printed form, copies of which may be had on application to the Inspector of European and Training Schools, Madras, S.W., and they should be accompanied by the Gymnastic Instructor under whom the candidate has received training, and the head of the institution.

5. The fee for admission to the examination is Rs. 2. It should be paid into a Government Treasury and the Treasury Officer's receipt should accompany the application for admission to the examination.

6. Applications received after the due date will be rejected.

H. A. BART.

Acting Inspector of European and Training Schools.

Madras, 21st October 1917.

EXAMINATION FOR TECHNICAL TEACHERS' CERTIFICATES, 1917-1918.

The Director of Public Instruction has sanctioned the following arrangements for the conduct of three examinations. The date and place of examination at the various institutions below will be communicated to the candidates appearing at these centres by the Principals of the Schools:—

No.	Centre.	Subject of Examination.	Name of Examiners.
1.	Madras	(1) Free-hand Outline Drawing ..	(1) Superintendent, School of Arts, Madras.
		(2) Cabinet-making ..	(2) J. W. Connelley, Deputy Superintendent, Reformatory School, Chingleput.
		(3) Cotton-weaving ..	(3) Inspector of Schools, Second Circle.
		(4) Carpet-weaving ..	(4) An expert whom the Inspector may select.
2.	Madras	(1) Lace-making ..	(1) Inspector of Schools, South Circle.
		(2) Book-binding ..	(2) An expert whom the Inspector may select.
		(3) Shoeband ..	(3) Inspector of Schools, Fourth Circle.
		(4) Type-writing ..	(4) M. H. P. C. Gopal Mohan Aiyangar, Master, Wilson & Co., Madras.
3.	Kumbakonam.	Free-hand Outline Drawing ..	(1) Inspector of Schools, South Circle, Tanjore.
		(2) Cabinet-making ..	(2) An expert whom the Inspector may select.
		(3) Cotton-weaving ..	(3) Inspector of Schools, South Circle, Tanjore.
		(4) Carpet-weaving ..	(4) An expert whom the Inspector may select.
4.	Tanjore	(1) Free-hand Outline Drawing ..	(1) Inspector of Schools, Fifth Circle, Tanjore.
		(2) Cabinet-making ..	(2) An expert whom the Inspector may select.
		(3) Cotton-weaving ..	(3) Inspector of Schools, Fifth Circle, Tanjore.
		(4) Carpet-weaving ..	(4) An expert whom the Inspector may select.
5.	Karaikal	(1) Free-hand Outline Drawing ..	(1) Superintendent, W. E. Industrial School, Karaikal.
		(2) Cabinet-making ..	(2) An expert whom the Inspector may select.
		(3) Cotton-weaving ..	(3) Inspector of Schools, Sixth Circle, Karaikal.
		(4) Carpet-weaving ..	(4) An expert whom the Inspector may select.
6.	Karaikal	(1) Free-hand Outline Drawing ..	(1) Superintendent, W. E. Industrial School, Karaikal.
		(2) Cabinet-making ..	(2) An expert whom the Inspector may select.
		(3) Cotton-weaving ..	(3) Inspector of Schools, Sixth Circle, Karaikal.
		(4) Carpet-weaving ..	(4) An expert whom the Inspector may select.
7.	Madras	(1) Free-hand Outline Drawing ..	(1) Inspector of Schools, Seventh Circle.
		(2) Cabinet-making ..	(2) An expert whom the Inspector may select.
		(3) Cotton-weaving ..	(3) Inspector of Schools, Seventh Circle.
		(4) Carpet-weaving ..	(4) An expert whom the Inspector may select.
8.	Colicut	(1) Free-hand Outline Drawing ..	(1) Inspector of Schools, Eighth Circle.
		(2) Cabinet-making ..	(2) An expert whom the Inspector may select.
		(3) Cotton-weaving ..	(3) Inspector of Schools, Eighth Circle.
		(4) Carpet-weaving ..	(4) An expert whom the Inspector may select.
9.	Rajahmundry	(1) Free-hand Outline Drawing ..	(1) Inspector of Schools, Ninth Circle.
		(2) Cabinet-making ..	(2) An expert whom the Inspector may select.
		(3) Cotton-weaving ..	(3) Inspector of Schools, Ninth Circle.
		(4) Carpet-weaving ..	(4) An expert whom the Inspector may select.
10.	Vizagapatnam	(1) Free-hand Outline Drawing ..	(1) Inspector of Schools, Tenth Circle.
		(2) Cabinet-making ..	(2) An expert whom the Inspector may select.
		(3) Cotton-weaving ..	(3) Inspector of Schools, Tenth Circle.
		(4) Carpet-weaving ..	(4) An expert whom the Inspector may select.

Candidates from

Rajahmundry and Bellary ..	..	..	..
Trichinopoly ..	..	..	..
Dindigul, Tanjore and Madurai ..	..	..	..
Coimbatore ..	..	..	..
Amalapur, Berhampore and Guwahati ..	..	..	..
Wazir ..	..	..	..

Examiners at

Madras ..	..	..	..
Tanjore ..	..	..	..
Madurai ..	..	..	..
Karaikal ..	..	..	..
Rajahmundry ..	..	..	..
Vizagapatnam ..	..	..	..

Madras, 10th October 1917.

H. A. HART,
Acting Inspector of Education and Training Schools.

EXAMINATION.

At the examination held in August 1917 the officers noted below have been selected by the Board to have passed the Calligraphic Test in the Khanda Language:—

M. R. E. Munda, Yashwanth Appanna Prasad, Deputy Tahsildar, Bellary taluk.
M. R. E. Mahanta Babbar, Superintendent of Schools, Guwahati, Dibrugarh Hill taluk.

Office of the Board of Examiners,
Madras, 10th October 1917.J. W. GREATHOUSE,
Secretary.

GYMNASTIC CLASS ATTACHED TO THE REFORMATORY SCHOOL, CHINGAPOZ, FROM JANUARY TO DECEMBER 1917.

Applications for admission to the Gymnastic Class should be submitted to me in each the subsequent six or before the 25th November 1917.

3. Printed forms of application can be obtained from the Superintendent of the school.

4. Each selected candidate will be required to pay a class fee of one rupee a month for the whole course.

5. Copies of medical and physical certificates should be forwarded with the application which should be accompanied by the Manager of a recognized school in which the candidate is employed or is to be employed after training.

J. W. COOCHES.

Acting Superintendent, Reformatory School, Chingapoz.

Chingapoz, 19th October 1917.

THE GOVERNMENT TRAINING SCHOOL, OGDOL.

Managers and heads of institutions and other officers, public or private, to which the undermentioned are students of the Government Training School, Ogdol. Is requested are requested to be good enough to intimate the fact to the Headmaster, Government Training School, Ogdol, so as to enable him to take steps to see that the conditions of the bond presented by him when under training are duly fulfilled by him—

Particulars showing the particulars of the residence of the Government Training School, Ogdol, who failed to fulfil the conditions of the bond presented by him while under training.

Serial number.	History number.	Name.	Place of present or former residence.	Native town or village.	Age while under training.
(1)	(2)	(3)	(4)	(5)	(6)
1	46	Fullaput Nannan alias Fullaput Nannan.	Fullaput Nannan.	Vanigumam in North India and for some time Fullaput in Ogdol town.	19

Serial number and name.	Grade for which engaged.	Time or years of training.	School in which last employed.	Period of service yet to be completed.	Amount of deposit received from the Government.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Secretary School.	Fourth February 1915 to 1st March 1916.	South school at Vanigumam.	1st 1916 to 1st 1917.	Rs. 4. 0. 0.	..

K. BRODA ACHARYA,

Headmaster.

Ogdol, 14th October 1917.

SCHOLARSHIP.

Under the Government Scholarship Notification for 1917-18, the Acting Inspector of Schools, Fourth Circle, is pleased to publish on behalf of the undersigned the paper received and increased scholarship of Rs. 4 payable in the Fourth term from 1st July 1917 to 30th June 1918—

Name of pupil.	Institution in which located.	Name of Government Inspector of Schools.	Number and date of original notification.
M. S. V. S.	Madras City School, College Street, Madras.	James Rogers, Esq.	S. C. No. 124 of 1917 dated 19th September 1917.

2. The scholarship is available in the detailed bond "Government Scholarships—Secondary Schools for Boys".

3. The conditions contained in the above notification regarding the grant of award and other terms in scholarship holders and the maintenance of the regulations will for the amount of Government scholarship drawn and disbursement should be strictly followed.

4. The scholarships are payable monthly as follows—

H. W. CALLAGHAN.

Acting Inspector of Schools, Fourth Circle.

Madras, 15th October 1917.

THE WERLOCK SCHOLARSHIP ENDOWMENT

It is hereby notified that a second Werlock Scholarship of the monthly value of Rs. 25 will be available from July 1918 for award to the College of Engineering, Madras to a poor and deserving student of such a class to prosecute his studies for the B. E. Degree Examination of the Madras University.

2 The scholarship shall be forfeited for illness, misconduct or irregularity in attendance at College.

3 The selected candidate shall be required to enter into an agreement to subvert the amount of scholarship drawn by him if he engages the scholarship without satisfying satisfactory criteria.

College of Engineering, Madras,
19th October 1917.

W. H. JAMES,
Principal.

VACANCIES.

Applications are invited from candidates who have passed the Matriculation or Secondary School Leaving Certificate Examination for the post of Record Clerk in this school on Rs. 50 per mensem. The appointment is sitting. Particulars regarding age, caste, educational qualifications and appointment held, should be stated in the application. Copies of certificates should be attached.

Predecessory Training School for Mistresses,
Egmore, Madras, 24th October 1917.

R. MALLICK,
Acting Superintendent.

Applications are invited for the post of drill and gymnastics instructor in the Tanjore adolescent club. The appointment is permanent and remunerative and increases with the salary of Rs. 24 per mensem. Preference will be given to retired military men.

Tanjore, 26th October 1917.

A. J. NICHOLAS,
Superintendent, District Jail.

PRESIDENCY COLLEGE BOTANICAL BULLETIN.

A limited number of sets (Nos. 1 to 25) of the Presidency College Botanical Bulletin at Rs. 2 per set is available for sale. Each number gives a drawing and description of a common flowering plant.

Applications for copies accompanied by a money order for Rs. 2 should be made to Mr. P. F. Fyfe, Professor of Botany, Presidency College, Madras.

TELUGU SHORTHAND MANUAL.

Copies of this publication by H. Binayaka Rao, which has been recommended for the use of candidates taking shorthand examination as an optional subject are available for sale at the Government Press, Mount Road Branch, Madras, at Rs. 1-8-0 a copy.

GOVERNMENT PUBLICATIONS FOR SALE.

HAJIMBETTER COASTAL CALENDAR FOR 1918-19. Demy 8vo, paper cover. Rs. 15. (1 s.)

MADRAS LAW COLLEGE CHRONICLE FOR 1917-18. Royal 8vo. Rs. 15. (1 s. 6 p.)

COATS AND ORNAMENTS. South Indian Designs of —. By Rao Sahib H. Narsimha Sastry, B.A., 1916

Royal 8vo, cloth gds. Rs. 6-6-0 or 4s. 3d. (6 cm.)

HARMON EXTRA. Illustrated and described by A. H. Lennepaert. Rs. 2 or 4s. 3d. (6 cm.)



THE FORT ST. GEORGE GAZETTE.

Published by Authority.

No. 451

MADRAS, THURSDAY EVENING, OCTOBER 23, 1917.

[Page 4 of 4]

Part II.—Miscellaneous Notifications.

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APPOINTMENTS, LEAVE OF ABSENCE, &c.

RESULTS

Notice.—The following postings of Sub-Registrars are ordered:—

The following postages of Sub-Shillings are advised :-
 N.E.S.Y. Cusick, Francis Stephens, to Chualapagar (North Kanan district).
 M.E.S.Y. Mungana-Sama Rao, to Kulu (South Kanan district).
 N.E.S.Y. Yalaka-Mungana Rao, to Kulu (South Kanan district).
 N.E.S.Y. Francis Stephens, to Kulu (South Kanan district).
 N.E.S.Y. Francis Stephens, to Chualapagar (North Kanan district).
 N.E.S.Y. Ernest Kumbewa, to Kulu (South Kanan district).
 N.E.S.Y. Ugo-Rapaport-Pedley, to Mungana (North Kanan district).
 N.E.S.Y. Sirinder John Dhill, to Kumbewa (North Kanan district).

Madras, 15th October 1917.

26. H. Ry. Gudak Naryagren to Khativ (South Malabar district) (at request).
27. H. Ry. Vando Ayra Padmanabha Ayra to Kalladanga (South Malabar district) (at request).
28. H. Ry. Panchaboti Gudak Kinnu to Panchapangudi (South Malabar district) (at request).
29. H. Ry. Vayyanchudi Sany Vayyanchudi Ayra, the Registrar, third grade, so called in the office of the Inspector-General of Registration, to Khativ (Nagpur district).

Ms. A. 9. 2. 176b October 1912.

M.R. Ry. Krishna Sastriyer Kappaswami Sastri, to be Joint Sub Registrar II, Solon (Solon district).

M.R. Ry. Ramaswami Appa Pachamarti Appa, to be Joint Sub Registrar I, Comblam (Comblam-Wilgim district).

M.R. Ry. Kappaswami Appa Subaswami Appa, to Tirumamalai (North Arcot district) - Madras, 18th October 1917.

Promotions, Appointments and Postings.—The following promotions, appointments and postings of Sub-Registrars are ordered:—

PROMOTIONS

Consequent upon the retirement of M.R. Ry. Rajasulpharam Sivasubbiah Subbaswamy Pillai, Sub-Registrar, third grade:—

With effect from the 3rd September 1917:—

M.R. Ry. George Thomas Overman, from 6th grade sub. pro tem, to third grade, permanent.

M.R. Ry. Chinnabasa Pedumathala Appa Kothaswami Appa, from fourth grade to third grade, sub. pro tem.

M.R. Ry. Fozzari Anandach Appa Subbaswamy Appa, from fourth grade, sub. pro tem, to fourth grade, permanent.

M.R. Ry. Subbaraya Srinanada Appa, from 5th grade to fourth grade, sub. pro tem.

With effect from the 15th September 1917:—

M.R. Ry. Chellabasa Subbaswamy Madhavan, from 6th grade, sub. pro tem, to 5th grade, permanent.

M.R. Ry. Kappaswami Appa Tarkaswami Appa, from sixth grade to fifth grade, sub. pro tem.

M.R. Ry. Ayakkal Pannasami Subbaswamy Appa, from sixth grade, sub. pro tem, to sixth grade, permanent.

M.R. Ry. Narayana Hanumantha Paj Nagudu, from seventh grade to sixth grade, sub. pro tem.

M.R. Ry. Chellabasa Subbaswami Panna Subbaswamy Appa, from seventh grade, sub. pro tem, to seventh grade, permanent.

Resigned from 5th, from eighth grade to seventh grade, sub. pro tem.

With effect from the 1st October 1917, consequent upon the appointment of M.R. Ry. Venkatasubba Appa Subbaswamy Appa Anagati, Sub-Registrar, first grade, as Registrar, sixth grade, as Probationary:—

M.R. Ry. Balli Subbaswami, from fourth grade to third grade, sub. pro tem.

M.R. Ry. Tiruvahala Subbaswamy Venkatasubbaswamy, from 4th grade to fourth grade, sub. pro tem.

M.R. Ry. Kallikurthy Subbaswami Appa Sankaran Appa, from sixth grade to 5th grade, sub. pro tem.

M.R. Ry. Veyyavilai Kallikurthy Vairadi, from seventh grade to sixth grade, sub. pro tem.

M.R. Ry. Varutha Appayya Sastri, from eighth grade to seventh grade, sub. pro tem.

With effect from the 1st October 1917, consequent upon the appointment of M.R. Ry. Tassala Krishnaswami Subbaswamy Appa Anagati, Sub-Registrar, first grade, as Registrar, sixth grade, as Probationary:—

M.R. Ry. Tammacharan Adinarayana Nannaswami Chetti, from fourth grade to third grade, sub. pro tem.

M.R. Ry. Arumathi Ponnaswamy Rao, from fifth grade to fourth grade, sub. pro tem.

M.R. Ry. Tatta Hanumantha Subbaswami, from sixth grade to fifth grade, sub. pro tem.

M.R. Ry. Ramu Rajaswami Subbaswami, from seventh grade to sixth grade, sub. pro tem.

M.R. Ry. Tirukkovilal Subbaswamy Rajagopala Sastri, from eighth grade to seventh grade, sub. pro tem.

APPOINTMENTS.

The following Probationary Sub-Registrars are appointed Sub-Registrars, eighth grade:—

From Padmanabha, with effect from the 15th September 1917.

Appanna Sastri, with effect from the 1st October 1917.

POSTINGS.

M.R. Ry. Sastri Padmanabha, to Harichandral (Rajahmundry district).

M.R. Ry. Appanna Sastri, to Sivani (Rayachoti district).

M.R. Ry. Raju Anandaram, to Sengala (Chikmagalur district).

Madras, 20th October 1917.

C. M. SCHMIDT,

Registrar-General of Registrars.

NOTICES.

Re. The Privilege of Lawyers.—The privilege date granted in High Courts, section 44, No. 42, dated the 21st September 1917, to M.R. Ry. Chinnabasa Subbaswami Krishna Rao Anagati, District Sheriff of Patna, is extended till the 31st November 1917.

High Court of Judicature at Madras.

18th October 1917.

C. G. MACRAE,

Deputy.

BOARD OF REVENUE.

SARU, ARUMATHI AND CHINNABASA SUBBASWAMI.

Revenue.—Under article 244 of the Civil Service Regulations Mr. Joseph Francis Wilkins Johnson, Inspector, is granted an extension of privilege leave for one month from 21st October 1917.

Board of Revenue (Madras District).

Madras, 16th October 1917.

Posting.—M.R.Sy. Gopalji Patilwarrao Ayer, Vaidharath Ayer, Duxbury, first grade, is posted to the I Circle on return from leave.

Madras, 17th October 1917.

S. S. MURRAY,
Chief Engineer, F. Circle.

Appointment.—M.R.Sy. K. Venkateshram Peshla, Superintendent, first grade, temporary, Godavari Conservancy Division, is considered to have laid charge of this subdivision, for being permanent stations in the lack of the Godavari division, with effect from the 1st February 1917.

Madras, 16th October 1917.

Transfer.—(1) M.R.Sy. N. Sundararam Rao, Superintendent, second grade, temporary, from the Godavari Eastern Division, to the Ganjam Division. To proceed on relief.

(2) M.R.Sy. G. Krishnaiah Chari, temporary Upper Subordinate on No. 106, from the office of the Superintending Engineer, I Circle, to the Godavari Eastern Division. To proceed on relief.

(3) M.R.Sy. P. Gangaraja, temporary Upper Subordinate on No. 106, from the Ganjam Division, to the office of the Superintending Engineer, I Circle. To proceed on relief.

(4) M.R.Sy. N. Panthaprasad Ayer, temporary Upper Subordinate on No. 106, from the Godavari Conservancy Division, to the Ganjam Division. To proceed on relief.

Madras, 16th October 1917.

M. R. KRISHNAGAT,
Superintending Engineer, I Circle.

Appointment.—M.R.Sy. K. Narasimha Rao, temporary Upper Subordinate on No. 69 transferred to the State in the Chief Engineer's No. 635-D, dated 10th October 1917, is reported to the West Coast Division for the charge of the Pichayal-estuary.

Calcutta, 16th October 1917.

V. HAST,
Off. Superintending Engineer, IV Circle.

Transfer.—The following transfers are ordered:—

(1) M.R.Sy. T. Ramaswami Ayer, Sub-Engineer, 6th grade, from the Nellore Division to the Chingelput Division. To proceed on relief.

(2) M.R.Sy. K. R. Krishnaswami Ayer, temporary Sub-Engineer, from the Chingelput subdivision to the charge of the North Huddleston Canal subdivision. To proceed on relief by item (3).

(3) M.R.Sy. C. V. Shanmukha Mudaliyar, temporary Sub-Engineer, from the Chingelput division to the Nellore Division to charge of the Kandam subdivision. To proceed on relief by M.R.Sy. K. R. Krishnaswami Ayer.

(4) M.R.Sy. S. Venkateshram Nayudu, Sub-Engineer, 6th grade, from the Madras Project Division to the Chingelput Division to charge of the Tiruvellar subdivision. To proceed on relief by M.R.Sy. T. K. Sridharan Ayer, temporary Sub-Engineer.

(5) Sub-Inspector E. Green, Sub-Engineer, 6th grade, transferred from the IV Circle and now in charge of the Tiruvellar subdivision, Chingelput Division, is transferred to the charge of the Buckingham Canal South subdivision. To proceed on relief by item (4).

(6) M.R.Sy. C. A. Venkateshram Ayer, temporary Sub-Engineer in charge of the South Buckingham Canal subdivision of the Chingelput Division, is reverted to his permanent appointment as Superintendent, second grade, and is assigned to work in the Chingelput Division until further orders.

(7) M.R.Sy. K. Mahalingam Ayer, Duxbury, second grade, temporary, from the Nellore Division to the Chingelput Division.

Madras, 16th October 1917.

J. M. LACEY,
Superintending Engineer, F Circle.

Leave.—The privilege leave for one month granted to M.R.Sy. Tanjore Sargamudra Balakrishna Pillai, temporary Upper Subordinate on No. 85, Conservancy Division, and noted in Part II, page 1573 of the Port St. George Gazette, dated 3rd October 1917, will commence from 16th September 1917 afternoon and run to— 17th September 1917.

Triplichray, 16th October 1917.

Leave.—Under article 242 of the Civil Service Regulations, M.R.Sy. M. S. Sreedharanjan Ayer, Duxbury, second grade, Superintending Engineer's Office, VI Circle, is granted privilege leave for one month with effect from the 1st October 1917.

Triplichray, 17th October 1917.

C. T. MULLENB,
Superintending Engineer, VI Circle.

MEDICAL.

Posting.—(1) Civil Assistant Surgeon, Narayana Nayak Raju, 1st B.S., on the expiry of his duty as additional Medical Officer, Ottumaram, is posted to Government Landed Agency, Madras, as temporary Civil Assistant Surgeon T. James, 1st B.S.

(2) Temporary Civil Assistant Surgeon T. James, 1st B.S., on relief as Landed Agency, Madras, is placed in the disposal of the Sanitary Commissioner, Madras, as Civil Assistant Surgeon K. Madhava Nayak, 1st B.S.

Civil Assistant Surgeon R. Mathura, M.B.S., on relief of the charge of Cholera Party, is posted to St. Bartholomew's Hospital, Government, as Civil Assistant Surgeon H. J. Sankaranarayanan Pillai, M.B.S.

Civil Assistant Surgeon M. J. Sankaranarayanan Pillai, M.B.S., on relief at St. Bartholomew's Hospital, Government, is placed at the disposal of the President, District Board, South Arcot, as temporary Civil Assistant Surgeon P. F. John, M.B.S., transferred.

Civil Assistant Surgeon V. Chinnaiyappa, M.B.S., from Municipal Hospital, Kottakottai, is placed at the disposal of the Chairman, Municipal Council, Dindigul, as Civil Assistant Surgeon M. D. Rajag. Esq., M.B.S.

Civil Assistant Surgeon M. S. Rajag. Esq., M.B.S., on relief at Dindigul, is placed at the disposal of the Chairman, Municipal Council, Kodaikanal, as Civil Assistant Surgeon V. Chinnaiyappa, M.B.S., transferred.

Madras, 12th October 1917.

Service placed.—M.R.N. K. (Thirupud), M.B.S., substantiated as a temporary Civil Assistant Surgeon in the department on Rs. 400 plus allowances attached to the appointment is placed at the disposal of the President, District Board, Salem, as Civil Assistant Surgeon R. L. Sengupta, M.B.S., granted temporary Commission in the Indian Medical Service.

Madras, 18th October 1917.

Foray.—M.R.N. K. P. Bhak M.B.S., substantiated as a temporary Civil Assistant Surgeon in the department, is posted to the Hospital at Ed as visiting surgeon.

(By order)

Madras, 9th October 1917.

G. A. F. HINGSTON, Major, I.M.S.,
Principal Assistant to the Surgeon-General.

GENERAL NOTIFICATIONS.

IMPERIAL LIBRARY.

(CORNER OF MARK STREET AND STRAND ROAD, CALCUTTA.)

Open on WEDNESDAYS AND FRIDAYS, FROM 10 A.M. TO 2 P.M.
(SUNDAYS AND HOLIDAYS, FROM 2 P.M. TO 3 P.M.)

The Imperial Library is also a LENDING LIBRARY. It is free to all except children. There is no subscription fee.

EXAMINATION FOR CERTIFICATES OF COMPETENCY AND SERVICE FOR ENGINE DRIVERS.

Notice is hereby given that under G.O. No. 1424 M., dated 11th August 1916, the next Examination for Certificates of Competency and Service for Engine Drivers qualifying mechanics for employment under Government will be held at the Public Works Workshop near Cross Walls, Madras, on the 19th and 20th November 1917 commencing at 10 a.m.

2. Candidates must send in their applications made out in English on printed forms which they may receive the Sanitary Engineer's office as or before the 19th October 1917, after which date an application will be considered. Applicants for admission to the Examination for Certificate of Competency must be drawn up in accordance with rule 9 of the Rules for grant of Certificate of Competency and Service for Engine Drivers published in Part I-A of the *Not. & Emp. Guide*, dated 18th October 1914, pages 235 to 241, and must be supported by the recommendations referred to in that rule, and those recommendations to the Examination for Certificate of Service is accorded with rule 35.

3. The prescribed fee which is paid into a Government Treasury on, if at Madras, into the Bank of Madras on or before the 19th October 1917, and the receipt given by the Treasury Officer or the Bank of Madras must be securely fastened to the application together with other documents.

4. Each application should be sent direct to the undersigned post-paid, accompanied and addressed as follows:—

[Applicants for admission to the Examination for Engine Drivers.]

To the Sanitary Engineer to Government of Madras and President, Board of Examiners,
Chennai, Madras.

Two blank stamped copies will be required.

5. Candidates should fill in their applications legibly and write their names and address distinctly and in full and fill in the application form carefully to the best of their knowledge and belief. Any candidate who makes any false representation for the purpose of securing admission to the examination will be seriously penalized. Applications deficient in any particular will be returned.

6. For any information that may be required, candidates are referred to the rules published in Part I-A of the Port St. George Gazette, dated 18th October 1914, pages 152 to 161.

7. Application forms and copies of the rules for the examination may be had on application to the undersigned.

W. HUTTON,
Superintending Engineer,
Sailing Engineer in Charge, and
President, Board of Examiners.

Cherack, Madras, 2nd October 1917.

NOTIFICATION.

It is hereby notified for the information of the public that the following alterations in the District structure in the III Circle have been sanctioned from the 1st October 1917:—

(1) The Tack Head strike Scheme division with headquarters at Bellary is abolished and in its place are divisions called Madanapalle division with headquarters at Madanapalle has been formed. The jurisdiction of this division extends over the whole of the Anantapur and Chittoor districts. All the notifications relating to Public Works Department made in these two districts should in future be addressed to the Executive Engineer, Madanapalle division, Madanapalle only.

(2) The Executive Engineer, Bellary division, has jurisdiction over the Bellary district only.

(3) The Executive Engineer, Kurnool Division, has jurisdiction over the Kurnool district only, the portion of the Kurnool-Cuddapah Canal below 10th mile having been handed over to the Cuddapah division.

(4) The Executive Engineer, Cuddapah division, has jurisdiction over the whole of the Cuddapah district and also over the small bit of the Kurnool-Cuddapah Canal in the Kurnool district below 10th mile. His headquarters have been shifted from Madanapalle to Cuddapah.

The Superintending Engineer, III Circle, has jurisdiction over the whole of the Bellary, Kurnool, Cuddapah, Anantapur and Chittoor districts.

Bellary, 6th October 1917.

I. D. VENKATARAMA AYYAR,
Superintending Engineer, III Circle.

CHANGE OF ADDRESS.

It is hereby notified that owing to the redistribution of divisions and subdivisions in the III Circle sanctioned in G.O. No. 1020 W., dated 25th September 1917, the office of the Executive Engineer, Tack Head strike Scheme division, III Circle, will be transferred from Bellary to Madanapalle on the 15th October 1917. The division will henceforth be called the Madanapalle division and the jurisdiction of the new division will comprise the whole of the Revenue districts of Anantapur and Chittoor. All communications intended for the Executive Engineer in charge of the Madanapalle division should be dispatched to Madanapalle on and after 15th October 1917.

Bellary, 6th October 1917.

E. W. P. WALSH,
Executive Engineer, T.A.S. division, III Circle.

TREASURE TROVE

It is hereby notified under section 4 of the Indian Treasure Trove Act, VI of 1873, that treasure consisting of the undermentioned articles of the value of Rs. 215 was found in a certain box by Ganga Rajanna of Kallara village, Talpeta taluk, Anantapur district, Madras Presidency, while digging the foundations of his house in the said village.

Name of the find.	Qunt.	Weight (in grammes).	Est.
One necklace	50	Two small beads	50
Two big ear-rings	50	One Pacific	10
Three bangles (all straight) ..	18	Four pearls	5
Three gold rings	35	Two bangles	1
Two ear-rings with precious stones	15	One ear-ring	5
Sixteen-eight bangles (beads) ..	110	One copper box	1

5. All persons claiming the said treasure or part thereof are hereby required to appear personally or by agent before the Collector of Anantapur at his office at Bellary on 3rd day of December 1917 in view of the matter being assigned late to Government according to law.

Anantapur Collector's Office,
3rd July 1917.

S. N. V. USMAN,
Deputy Collector.

It is hereby notified under section 4 of Act VI of 1873 that the undermentioned treasure was found on 22nd March 1917 by one Venkatala Venkatesh of Chajjapuram while removing sand from the well near the S. No. 1155 in Chajjapuram taluk, 2 districts, Chingleput district.

Description.	Value.
Group of gold of Ganga	Rs. 4. 8.
Group of gold of Elephant	10 0 0
	2 0 0
Total	15 8 8

5. All persons claiming the said treasure or part thereof are hereby required to appear personally or by agent before the Collector of Chingleput, Bellary, at his office on 10th October 1917 at 11 a.m. in view of the matter being assigned late and determined according to law.

It is hereby notified, under section 5 of the Indian Treasure Trove Act, VI of 1878, that the aforementioned treasure was found on 15th March 1917 by one P. M. Kyrpessan at Madhav Nihil street, Big Chingaporem, while making a well in his compound in S. No. 1488, town site parcel, in Chingaporem town, 19 ward, Chingaporem market.

Description.		Value.	
		Rs.	S. P.
Steel image of Chingappa Ammal 2' high	54 0 0
Stone image of Chingappa 14' high	10 0 0
A copper plate 7' square called Mahabharatam	0 10 0
Total	21 14 0

1. All persons claiming the said treasure or part thereof are hereby required to appear personally or by agent before the Collector of Chingaporem, Chingaporem, at his office on 24th October 1917 at 11 a.m. in view of the matter being required, late and determined according to law.

Chingaporem Collector's Office,
15th June 1917.

J. F. BRYANT,
Collector.

It is hereby notified, under section 5 of the Indian Treasure Trove Act, VI of 1878, that on or about the 14th day of June 1917, a treasure consisting of silver coins and contained in a small pot was found by Tappabopay, Deshayan and Pongamali while they were dismantling the northern wall of the house of Iswara Swamin of Kariyapattanam, located at Pappu Panchayats, and that the latter mentioned portion of it has been recovered.

2. All persons claiming the said treasure or a portion thereof are hereby required to appear personally or by agent before the Collector of Coimbatore at his office at Coimbatore on Monday the 26th March 1918 with a view to the matter being required, late and determined according to law.

Description.	Number.	Value.	
		Rs.	S. P.
Half rupee—British ..	1	2	5 0
Quarter rupee—British ..	10	5	12 0
Do. — Mahomedan ..	6		
One-eighth rupee—British ..	21	5	12 0
Do. — Mahomedan ..	2		
Quarter anna piece ..	2	0	0 8
One pie ..	1	0	0 1
Total ..		9	0 6

Coimbatore Collector's Office,
18th October 1917.

H. MACMURRAY,
Collector.

It is hereby notified, under section 5 of the Indian Treasure Trove Act, VI of 1878, that, on or about the 26th July 1917, treasure consisting of the aforementioned articles were found by some people in a well known as Chingappa Thannarage well in Madhav Nihil in Chingaporem town.

A bronze idol of the Lord Gopalakrishna in a standing posture with feet pointing against the other, with a face in two hands and seven and sixteen on the other two. The whole body is covered with silver and the figure and the seven with gold. Weight of the idol is 782 tins. Height is 19 inches—Approximate value Rs. 50.

3. All persons claiming the said treasure or part thereof are hereby required to appear personally or by agent before the Collector of Coimbatore at his office at Coimbatore on 12th February 1918 with a view to the matter being required, late and determined according to law.

Coimbatore Collector's Office,
21st August 1917.

C. B. COTTEWELL,
Deputy Collector.

It is hereby notified, under section 5 of the Indian Treasure Trove Act, VI of 1878, that on or about the 22nd February 1917 a gold ring weighing 4½, ring-shaped and valued at about Rs. 18-5-0 was found by Venkaya Nayudhan, son of Ponnappa Nayudhan, of Nalokottavillage, Winkottah taluk, Madras district, in S. No. 125-8 at Madhav Nihil in Chingaporem town, 19 ward, Chingaporem market. All persons claiming the said treasure or a part thereof are hereby required to appear personally or by agent before the Collector of Madras at his office at Madras on the 15th March 1918 with a view to the matter being required, late and determined according to law.

Madras Collector's Office,
18th October 1917.

G. F. PADDISON,
Collector.

Notice is hereby given, under section 5 of the Indian Treasure Trove Act, VI of 1878, that about three years ago one Tanna Subbanna of Dhanamangalam Chinnappan of Attalur taluk found a gold coin in a piece of cloth while sowing grain in the field and failed to report the matter to the authorities, that she made a pair of earrings for her son through goldsmith Venkaya Nayudhan and

gold coins were taken for preparing a pair of bracelets. The details of the above facts. The following articles made out of the gold found have been secured in the Attacker sub-treasury:—

Details of the lot.	Weight.	Approximate value.
(1) Ear rings 2 6 3 and 4 garigajas ..		50 0 0
(2) Ring of gold 0 10 0 and 4 garigajas ..		10 0 0
Total ..		60 0 0

All persons claiming the said treasure or any portion thereof are requested to appear in person or by a duly authorized agent before the Collector of Malabar at his office in Malabar on the 15th November 1917 in order that their claims may be enquired into and disposed of according to law.

Malabar Collector's Office,
15th April 1917.

Notice is hereby given under section 5 of the Indian Treasure Treas. Act, VI of 1912, that, while Upendra Yellamanna, Chavara, Vayapada and Subaprasanna Pannan, of Chavara, Dacca District, were digging the foundation of the wall of Kuchikudi Nayan's house on 26th May 1917, a pot which contained copper is reported to have been found by Yellamanna. A son of the 26 of this fact has been recovered from the three males and the daughter of the owner of the house, Negi, and entered in the Dacca sub-treasury.

2. All persons claiming the said treasure or any portion thereof are requested to appear in person or by a duly authorized agent before the Collector of Malabar at his office in Malabar on the 26th March 1918 in order that their claims may be enquired into and disposed of according to law.

Malabar Collector's Office,
15th August 1917.

G. A. SOUTER,
Attorney General.

Notice is hereby given under section 5 of the Indian Treasure Treas. Act, VI of 1912, that, on the afternoon of the 26th January 1917, the aforementioned articles were stored in a pot taken out from the grain pit in the back yard of one Manojan Pannan in the village of Talappur, Malabar taluk, Malabar district. The treasure has been secured from Perambur and kept in the Attacker sub-treasury:—

Details of the lot.	Weight.	Value.
Four gold pieces (old coins) each has a printed emblem on one side and the figure of Rama, Lakshmi and Hanu on the other.	About a sarak each or a little more than 1½ taia and 3 garigajas all put together.	22 0 0

3. All persons claiming the said treasure or any portion thereof are requested to appear in person or by a duly authorized agent before the Collector of Malabar at his office in Malabar on the 26th May 1918 at 11 a.m. so that their claims may be enquired into and disposed of according to law.

Malabar Collector's Office,
7th October 1917.

L. D. SWAMIRANNU,
Collector.

It is hereby notified, under section 5 of the Indian Treasure Treas. Act, VI of 1912, that, on or about 26th July 1917, treasure, consisting of the undermentioned articles, valued at about Rs. 25-4-0 was found hidden in the ground in a tiled fire temple at the entrance to the village of Kona-kutti, Wandsworth taluk, North Arcot district, by some of the ryots of the village while clearing the debris of the temple.

Description of property.	Dimensions.	Value.
(1) Copper idol (gold-plated)	1 ft. 11 in. high	20 0 0
(2) One brass lamp (broken into two pieces) ..	2 feet	5 0 0
(3) Brass image with golden plates	1½ feet high	1 0 0
(4) Dalmatian-certhi	4 inch	0 0 0
(5) Tungus	1½ feet high	0 0 0
(6) Brass (granulated)	1½ feet	0 0 0
(7) Church wall	1½ feet	0 0 0
(8) Church and stone other five pieces in number.	1½ feet	0 0 0
Total ..		26 0 0

All persons claiming the said treasure or any part thereof, are hereby required to appear, personally or by agent, before the Collector of North Arcot, at his office at Malabar, on the 21st day of January 1918, in order to the matter being enquired into and determined in accordance with the provisions of the Act.

North Arcot Collector's Office,
21st August 1917.

J. N. BURY,
Collector.

Statement showing Flagues, Cholerae and Diarrhoea in each district of the Madras Presidency from August 1886 to 31st October 1917.
[In 20 Volumes.]

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(continued showing *Flageo* Scaevola and *Desfontia* in each selected plots at the Madras Presidency for three weeks ending 10th October 1907.

[illegible]

Monday, 22nd October 2012

W. A. JEFFER, Major, I.M.S.,
Auxiliary Commissioner for the Government of Madras

JUDICIAL NOTIFICATION

PROCLAMATION

By virtue of a Warrant so directed by His Majesty's High Court of Justice at Madras I hereby appoint and give notice that a *Sessions* at Ujor and Thernatic and Malabar District, South India, for Fort Saint George the Town of Madras and the local houses thereof and the places and factories situate within the limits of the Court at Madras shal hold on Monday the fifth day of November among the late based at six o'clock in the forenoon for the trial of all crimes and offences done or committed within Fort Saint George at the Town of Madras at the local houses thereof and places and factories situate therein and dependent thereon.

And also that at the same time and place will be holder a *Feast of Liberty* for the total of all artists and actresses (and or nominated on the High Line

And, I hereby require and expect all persons brought to prison and give evidence at the above Prisoners or in any way connected thereto to stand at the bar and place themselves and not to depart without leave.

Dated this 25th day of September 1907.

G. RAMANUJAM CHETTI,
Chief of Police

INVESTING IN PORTS

Under section 192 of the Madras Estates Land Act, 1908 (I of 1908), and section 128 (3) of the Code of Civil Procedure (Act V of 1908), as amended by the Government of India Act, 1916 (IX of 1916), the High Court is pleased to direct that the undersigned officers shall, in cases in which an appeal is allowed under the Madras Estates Land Act, 1908 (I of 1908), take down the evidence with their own hand in the English language:—

M.N. Ry. V. Ramakrishnaiah Pasatola Oam, Special Deposits Collection, Chittaranjan, India.

M.R.Pr. Kishik Subodhi Chandra Acharya, Asst. Prof. College, Tapat, Cuttack.

Muhammad Habib ul-lah Khan Sahib Bahadur, Barakani Khawndi Officer, Gujranwala Division, Barakani District.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

High Court of Judicature at Madras.
22nd October 1917.

D. B. SAMACHANDRA AYYAR,
Assistant Professor, Annamalai University

Under section 22 of the Native Land Claims Act, 1875, as amended by section 4 of the Native Land Claims Act, 1908, and further amended by the Deeds Consolidation Act, 1911 (14 of 1911), the High Court is pleased to insert M.B. No. 100/1914: *Thomson v. Kaitiaki* into the Deeds Register.

Kennel, in the Kennel district, with the jurisdiction of a Judge of a Court of Small Causes for the trial of suits cognizable by such courts arising within the local limits of his jurisdiction up to the amount of Rs. 500.

5. The power given by this notification ~~the~~ printed and will be exercised by the District Magistrate only so long as he continues to be District Magistrate of the said court.

2. This notification will have effect from the date of its publication in the Fort St. George Gazette.

High Court of Judicature at Madras,
17th October 1917.

NOTIFICATIONS.

Under the provisions of section 129 of the Code of Civil Procedure, 1909, the following addition to the first schedule of the Code is published for the information of all persons interested: and it is hereby notified that the said addition as well as any objections or suggestions regarding it which may be received from any person interested in the matter will be taken into consideration by the High Court on or after the 26th November 1917, namely:—

And the following as sub-rule (4) to rule 15 of Order XXI of schedule I:—

"(4) If the decree sought to be enforced has been sent for execution to another court, the court which passed the decree shall send a copy of the said decree to the former court, and thereupon the provisions of clause (1) shall apply to the same decree as if the former court had passed the decree and the said order had been sent to it by the court which issued it."

High Court of Judicature at Madras,
16th October 1917.

Under section 15 of the Madras Civil Courts Act, III of 1913, and with the previous sanction of His Excellency the Governor in Council, the High Court hereby directs that from and after the 1st November 1917 appeals from the decrees and orders of the District Magistrate of Tiruvannamalai, Tanjore, Villupuram and Ramanathapuram shall be preferred to the Court of the Temporary Subordinate Judge of Villupuram and appeals from the decrees and orders of the District Magistrate of Kumbakonam and Velupuram shall be preferred to the Court of the Subordinate Judge of Kumbakonam.

High Court of Judicature at Madras,
16th October 1917.

C. G. MACKAY,
Registrar.

UNCLAIMED DOCUMENTS.

List of certificates of execution and certified copies lying unclaimed in the office of the Registrar at Madras-Chengizpet.

Date of expiration.	Description of unclaimed certificate or certified copy.	Date on which made ready.	Name of party who should claim same.
22nd March 1918 ..	Execution certificate of a decree in 1904 of 1904 in the case of <i>Prasanna v. Prasad</i> .	22nd March 1918 ..	D. Prasad v. Prasad.
2nd November 1918 ..	Execution certificate of a decree in 1904 of 1904 in the case of <i>Prasanna v. Prasad</i> .	11th November 1918 ..	C. V. Venkatesan.
24th January 1918 ..	Execution certificate of a decree in 1904 of 1904 in the case of <i>Prasanna v. Prasad</i> .	24th January 1918 ..	A. Prasad v. Prasad.
27th March 1917 ..	Execution certificate of a decree in 1904 of 1904 in the case of <i>Prasanna v. Prasad</i> .	27th March 1917 ..	S. K. Prasad v. Prasad.
10th September 1917 ..	Execution certificate of a decree in 1904 of 1904 in the case of <i>Prasanna v. Prasad</i> .	10th September 1917 ..	Ch. K. Prasad v. Prasad.
10th September 1917 ..	Execution certificate of a decree in 1904 of 1904 in the case of <i>Prasanna v. Prasad</i> .	10th September 1917 ..	Prasanna v. Prasad.
1st March 1918 ..	Certified copy of document No. 1019 of 1914 of 1914 in the case of <i>Prasanna v. Prasad</i> .	1st March 1918 ..	Prasanna v. Prasad.
22nd March 1918 ..	Certified copy of document No. 1019 of 1914 of 1914 in the case of <i>Prasanna v. Prasad</i> .	22nd March 1918 ..	Prasanna v. Prasad.
24th October 1918 ..	Certified copy of document No. 1019 of 1914 of 1914 in the case of <i>Prasanna v. Prasad</i> .	24th October 1918 ..	Prasanna v. Prasad.
24th January 1918 ..	Certified copy of document No. 1019 of 1914 of 1914 in the case of <i>Prasanna v. Prasad</i> .	24th January 1918 ..	Prasanna v. Prasad.
22nd October 1918 ..	Certified copy of document No. 1019 of 1914 of 1914 in the case of <i>Prasanna v. Prasad</i> .	22nd October 1918 ..	Prasanna v. Prasad.
22nd October 1918 ..	Certified copy of document No. 1019 of 1914 of 1914 in the case of <i>Prasanna v. Prasad</i> .	22nd October 1918 ..	Prasanna v. Prasad.
10th August 1918 ..	Certified copy of document No. 1019 of 1914 of 1914 in the case of <i>Prasanna v. Prasad</i> .	10th August 1918 ..	Prasanna v. Prasad.
10th December 1918 ..	Certified copy of document No. 1019 of 1914 of 1914 in the case of <i>Prasanna v. Prasad</i> .	10th December 1918 ..	Prasanna v. Prasad.
10th July 1917 ..	Certified copy of document No. 1019 of 1914 of 1914 in the case of <i>Prasanna v. Prasad</i> .	10th July 1917 ..	Prasanna v. Prasad.

Note.—Certificates of execution and certified copies lying unclaimed for two years will be destroyed.

No. 19 of 1917 in the Court of the District Judge, Coimbatore.

In the matter of K. V. Subramanian Pillai, son of Veluprasadam

Pillai, living in the Agastham street, Erode Petitioner.

The firm of Subramaniam Alakshankar Salt & Co., by Partner Jacob Defnrs.

Talakutai at 7, Oudum street, Hengampetam, Madras Petitioner (Creditor).

Notice is hereby given that the petition abovesaid has applied to this Court praying that the debt so abovesaid may be adjudged as insolvent. Hearing, 22nd November 1917.

District Court, Coimbatore,

16th October 1917.

D. G. WALLER,

District Judge.

No. 17 of 1917 in the Court of the District Judge, Kozhikode.

Tulayalli Vayanasetham Petitioner.

Kana Ramabrahman, etc. Respondents.

Notice is hereby given, under clause 2 of section 12 of Act III of 1907, that the abovesaid petitioner Tulayalli Vayanasetham of Sirkappet, Madhavaram, has applied for being declared an insolvent and that the application is posted for hearing on 16th November 1917.

Any creditor wishing to oppose the same may appear before this Court either in person or by pleader at 11 a.m. on the said date.

District Court, Kottam, Madhavaram,

14th October 1917.

J. J. COTTON,

District Judge.

No. 2 of 1917 in the Court of the District Judge, Kozhikode.

Abdul Gaffoor, son of Kabil Sahib, aged 35, Contractor, Pata Petitioner.

Kumam (by Mr. Ali Khan, counsel for plaintiff) Defnrs.

Notice is hereby given under clause 2 of section 12 of Act III of 1907 that the above petitioner has applied to this Court for being adjudged as insolvent and that his application is posted to 24th November 1917 for hearing.

District Court, Kumam,

10th October 1917.

H. A. JENKINS,

District Judge.

No. 39 of 1917 in the Court of the District Judge, South Arcot.

Vythilinga Pateyandi Petitioner.

Muthukannaswami Pateyandi and others Respondents.

Notice is hereby given that Vythilinga Pateyandi, son of Muthusami Pateyandi, residing at Achanginapalem, Chittambaram taluk, has applied to this Court to be declared as insolvent and that the petition is posted to 16th November 1917 for hearing. Those who wish to oppose the same may do so on that day.

District Court, South Arcot,

10th October 1917.

S. S. ROBERTS,

District Judge.

No. 17 of 1917 in the Court of the District Judge, South Arcot.

Notice is hereby given that the above petition has been presented by Neelammasi Sureshwar, to aliyas (1) K. S. Krishna Sastri and (2) K. S. Sureshwar, Father of Koduthurupalli village and settlement, Palghat, Insolvency and that the petition is posted for hearing on 16th November 1917.

District Court, South Arcot,

16th October 1917.

O. E. B. JACKSON,

District Judge.

No. 2 of 1917 in the Court of the District Judge, Vanganapetam.

Kannu Venkataswami, son of Venkataswami, Vaigai, Gudur, residing

at Solur Petitioner.

Notice is hereby given, under section 12 (2) of Act III of 1907, that the abovesaid petitioner has applied to this Court that he may be adjudged as insolvent and that the said application stands posted to 16th November 1917. Any creditor who is willing to oppose the said application may appear in this Court on the said date.

District Court, Vanganapetam,

16th October 1917.

A. W. FORBES,

District Judge.

No. 12 of 1917 in the Court of the District Judge, Coimbatore.

Tashwanthi Srinivasa Rao of Coimbatore Petitioner.

Jayaram Srinivasaswami Chett and seven others Counter-petitioners.

Notice is hereby given, under section 12, clause 2 of Act III of 1907, that the abovesaid petitioner Tashwanthi Srinivasa Rao has applied for being declared as insolvent and that the petition is posted to 16th November 1917. Any creditor wishing to oppose the petition may appear on that date either in person or by pleader.

No. 14 of 1917 in the Court of the District Judge, Coimbatore.

Gudimudi Venkataswami of Coimbatore Petitioner.

Shankarathirunjiyappa Rao and fourteen others Counter-petitioners.

Notice is hereby given, under section 12, clause 2 of Act III of 1907, that the abovesaid petitioner Gudimudi Venkataswami, son of Pudu Srinivasan, has applied for being declared as insolvent and that the petition is posted to 16th November 1917. Any creditor wishing to oppose the same may appear on that date either in person or by pleader.

District Judge's Court, Coimbatore,

14th October 1917.

T. SATTARAZULU,

District Clerk in charge.

No. 46 of 1907 in the Court of the Principal Deputy Sheriff, Denver

Nakamori Yoshito Tetsu Hsu, Graduate, being by service of OGI	
Oster " " " "	Insures [Fiduciary]
Sawada Nobu Kiso Sakai and others	Gratuity.

Notice is hereby given that the above-named petitioner has applied to this Court on the 10th day of August 1917 to be declared insolvent and that the 10th day of November 1917 has been fixed by this Court for receiving objections, if any, of the creditors intending to oppose the said application.

Principal David Munaf's Office, Guntur,
19th October 1907.

E. E. 4MA H&O,
Principal Selling Agent

No. 151 of 1912 (No. 7 of 1912 on the file of the District Muzas's Court, Ruzhica)
in the Court of the Overseas Russians, Ruzhica.

[illegible]

Under section 44 of Federal Juvenile Act 3 of 1917 the above-named petitioners were applied for being discharged. Any of the said persons willing to appear may appear in this Court on the day of November 1917, and urge his objections if any.

¹No. 15 of 1909 in the Code of the Russian Empire. *Ulozheniye*

Yatsa, Jugarra, son of Subharayada, Vaisya. trade, age 45	
Yatsa, of Kiliyara	(Paisimar) Datta,
Tamrasena Tamkata Barva and twenty others	Crispa, a Brahmin of Chaitanya,

Notice is hereby given that the above-named petitioner has applied to this Court to be declared an insolvent. Any interested creditor may oppose the said application on the 10th December 1937.

Digital Manuscript Court, Illinois,
19th October 2017.

R. VENKATA RAO,
District Magistrate

No. 4 de 1817 de rue Courty de rue Thérèse-Martin, Courcelles.

Notice is hereby given that Richard Pallejo, son of Magayno of Surian, has been adjudged insolvent by an order of this court, dated 12th September 1917.

Detroit Municipal Court, Grosse Pointe,
19th October 1917.

P. NARAYANA RAO,
District Muzdar

No. 18 68 1917 in the Court of the Governor, Mexico, Mexico.

Bogam Sabbath of Demajatis, Noolikothur taluk

Notes in barely green under section 10 (1) of the Provincial Insolvency Act of 1907, that the petitioner above named was adjudged an insolvent on the 13th day of October 1917.

No. 10 of 1917 is the Order of the District Muzak, Khabarovsk.

Pinjari Kaim Bath of Ubena Bath ..

¹ Notice is hereby given under section 10 (7) of the Probationary Act of 1907 that the petition submitted was adjudged an intestate on the 14th day of October, 1917.

Diary of Mary's Court, Krasov,
19th October 1912.

C. VIRASWAMI REDDI,
Indian Bank

No. 39 of 1947 is the Census of the District of Columbia, 1940.

Tatukuni Gurewagga and Tatukuni Bala Gurewagga	"	"	Prithvi
Magleri Bala Bagawagga and 26 others	"	"	Prithvi

Notices are hereby given under clause (2) of section 13 of Act III of 1987, that the above named persons have applied to be declared insolvents and that their applications is posted to Local Warden for 1987. Any creditor wishing to oppose the same may appear either in person or by pleader at the next date.

Durbin Museum's Court, Maryland,
17th October 1812.

N. RAMASWAMI,
Chennai, India

No. 3 of 1917 is the *Course of the Pacific Mail*.

Notice is hereby given that Anandabehn Velupya of Velachip, Kollam, has applied to the Court for being styled an insolvent and that his petition stands posted to 4th November 1927 at 10 o'clock.

District Messrs. Gove, Wallace,
12th October 1897.

F. YENUGOPAL MAYUDU,
Darius, India

No. 8 on left is the Ocean on the Dromedary Island. [unclear]

Singappa Kevuriah, son of Pappanna Talaya, trader, residing at
Nehruvillapalli, Dharmavaram taluk

Madame Justice La Forest and Justice Gauthier	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474
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District Master's Court, Penaborda,
21th October 1987

G. KUMARACHANDRANATH AYTANGAL,
District Magistrate

No. 3 of 1917 in the Court of the Principal District Magistrate, Vinnagapattinam.

Chinnala Sanyappa alias Sanyal, son of Appaswami, 25 years.

Vinnagapattinam, Vinnagapattinam Prisoner.

Notice is hereby given under section 18, clause 1 of the Provincial Insolvency Act III of 1907 that the above-named petitioner has been adjudged insolvent by an order of this court, dated 16th October 1917, and that the creditors should prove their debts on or before that date.

Principal District Magistrate's Court, Vinnagapattinam.

J. O. H. FOWLER,
Principal District Magistrate.

25th October 1917.

No. 4 of 1917 in the Court of the District Revenue, Chinnalore.

Vijaya Venkappa Madala Prisoner.

Jattina and others Respondents.

Notice is hereby given that under section 15 (2) of Act III of 1907 the above-named petitioner has applied for being declared an insolvent and that his application is posted on 25th November 1917 for hearing.

Official Receiver's Court, Chinnalore,
25th October 1917.P. RAJAGOPALA ACHARYA,
Official Receiver.

No. 5 of 1917 in the Court of the District Judge, Chinnalore.

In the matter of the Insolvency of Subrahmanyam Chetti.

Subrahmanyam Chetti, son of Nallakannudu Chetti, residing at Manjira-

nagarhalla Estate, Chinnalore Prisoner (Insolvent).

Venkateswara Chetti and others Creditors.

Notice is hereby given under section 14 (7) of Act III of 1907 that the debtor above-named has been adjudged insolvent by an order of the Official Receiver, Chinnalore, dated the 25th day of September 1917, on the application of the above-named debtor; that all the creditors of the above-named debtor should prove their debts as soon as possible before 16th November 1917, and that a claim may be proved by delivering an affidavit in person or a registered letter to the Official Receiver, Chinnalore, an affidavit in form No. 3 of the appendix to the Madras Provincial Insolvency Rules, 1908.

No. 6 of 1917 in the Court of the District Judge, Chinnalore.

In the matter of the Insolvency of Sanyaswami Chetti.

Sanyaswami Chetti, son of Sanyasa Chettiyar, residing at

Chinnalore Prisoner (Insolvent).

Mannasa Subrahmanyam Chetti and others Creditors.

Notice is hereby given under section 14 (7) of Act III of 1907 that the debtor above-named has been adjudged insolvent by an order of the Official Receiver, Chinnalore, dated the 25th day of September 1917, on the application of the above-named debtor; that all the creditors of the above-named debtor should prove their debts as soon as possible before 16th November 1917, and that a claim may be proved by delivering an affidavit in person or a registered letter to the Official Receiver, Chinnalore, an affidavit in form No. 3 of the appendix to the Madras Provincial Insolvency Rules, 1908.

No. 7 of 1917 in the Court of the District Judge, Chinnalore.

In the matter of the Insolvency of Sanyaswami Chetti.

Sanyaswami Chetti, son of Subrahmanyam Chetti at Sanyaswami,

Gubbichettyapattinam estate Prisoner (Insolvent).

Agasthi Kallada Appayya and others Creditors.

Notice is hereby given under section 14 (7) of Act III of 1907 that the debtor above-named has been adjudged insolvent by an order of the Official Receiver, Chinnalore, dated the 25th day of September 1917, on the application of the above-named debtor; that all the creditors of the above-named debtor should prove their debts as soon as possible before 16th November 1917, and that a claim may be proved by delivering an affidavit in person or a registered letter to the Official Receiver, Chinnalore, an affidavit in form No. 3 of the appendix to the Madras Provincial Insolvency Rules, 1908.

No. 8 of 1917 in the Court of the District Judge, Chinnalore.

In the matter of the Insolvency of Polayyan Chetti.

Polayyan Chetti, son of Subrahmanyam Chetti, residing at Kottivaram,

Pattinam, Sanyaswami Prisoner (Insolvent).

P. R. K. Subrahmanyam Chetti and others Creditors.

Notice is hereby given under section 14 (7) of Act III of 1907 that the debtor above-named has been adjudged insolvent by an order of the Official Receiver, Chinnalore, dated the 25th day of July 1917, on the application of the above-named debtor; that all the creditors of the above-named debtor should prove their debts as soon as possible before 16th November 1917, and that a claim may be proved by delivering an affidavit in person or a registered letter to the Official Receiver, Chinnalore, an affidavit in form No. 3 of the appendix to the Madras Provincial Insolvency Rules, 1908.

No. 10 of 1917 is now Statute No. 10, Ministry of Justice, Criminal Code.

In the matter of the *insolvency of Johannes Christ*,

Srinivas Chetti, one of Baluravi Chetti, residing at Suba-	
mangalam	Pillayar (Juvirant).
P. N. S. Agast Krishna Arisam and others	Quadrants.

P. M. K. Agrawal Krishna Appaiah and others	6.	Quaternary.
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Notes is hereby given under article 16 (7) of Act III of 1949 that the debtor aforementioned has been adjudged insolvent by an order of the Official Receiver, Colombo, dated the 30th day of September 1951, on the application of the aforementioned debtor; that all the creditors of the aforementioned debtor should present their debts as soon as possible before 19th November 1951, and that a claim may be proved by delivering or sending by post in a registered letter to the Official Receiver, Colombo, an affidavit in Form No. 8 of the appendix to the Madras Provincial Insolvency Rules, 1939.

Se. 16 et 17 of 1917 is the Case of the Federal District Judge, Commercial

in the matter of the insolvency of N. Angerer: *Ullrich and Fellows, Op. cit.*

Chetti, Rangal Venkatesh street, Coimbatore	..	..	..	..	Pettimoney (Anahadis).
Thope Ramadas Ayyar and others	..	..	..	..	Coimbatore.

Thompson, Nevada, Aggarwal and others	11	44	11	Pennsylvania
	11	44	11	Confidence

Notice is hereby given, under section 18 (7) of Act 111 of 1910, that the delinquent arrearages have been assigned pursuant to an order of the Official Receiver, Chateaubain, dated the 9th day of September 1927, on the application of the aforesaid debtor; that all the creditors of the aforesaid debtor should give their debts as soon as possible before 13th November 1927, and that a claim may be proved by delivering an affidavit to be put in a registered letter to the Official Receiver, Chateaubain, an affidavit form No. 3 of the appendix to the Statute Provincial Landmark Railway 1915.

No. 15 of 1907 is the Order of the Bench appointing JUDGE CHANDLER

Palawanani Oyendoo, son of Paramarrah, village Nipponing, Gauda.

Erymanthura, *Desmopterus* table

Notice is hereby given under sections 12 (2) and 13 (2) of 1907 that the aforementioned land-vary petition will be heard by the Official Receiver, Bangalore, at 11 a.m. on 28th November 1917.

No. 16 of 1917 in the Office of the Commissioner of the General Land Office.

James Thos, son of Kennedy. Males Thos at Kennedy.

parus, *C. rubra*

Notice is hereby given under section 19 (2) of Act IX of 1907 that the aforementioned insolvency petition will be heard by the Official Receiver, Chinsurah, at 11 a.m. on 15th November 1917.

En-28 of 1917 is the copy of the Parental Consent Mosaic, Oklahoma

In the section of the University of B. Lohitshengren, Beijing.

Trikalanos Choffi and others.

Vietnamese Chetfi and others	10	10	10	10	Potential Outcome
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It is hereby given under section 14 (T) of Act III of 1907 that the following

Two adjourned meetings by an order of the Federal Bail at 1907 that the debate mentioned last September 1907, on the application of the aforementioned defendant, December, dated the 20th day of defendant should assume their debate as soon as possible before the November 1911, and that a claim, any proved by delivering or sending by post a registered letter to the Federal Bail, Com-
missioner, an affidavit in Form No. 3 of the appendix to the Modern Provisional Currency Rules, 1908.

No. 20 of 1927 to the Chief of the Federal District Motor, Collections

In the matter of the inheritance of *Albinaria* M.-L.

A. S. L. V., Marayana Chem.
Oxidizer.

test la heavily grazed native pasture (60% of dry mass) and 100% of organic

[illegible]

No. 21 of 1842 is the Order of the District Judge, Oudh, dated 18th October 1842, and of the District Judge, Oudh, dated 18th October 1842.

Fred Gonzalez, son of Valappa Gonzalez, at Thomas' home.

harriet of Vellakur, Colchidore taluk

Meine is hereby given, under article 12 (3) of Art. III of 1967, that the aforementioned legislative petition will be heard by the Official Receiver, Calcutta, at 11 a. m., on 23rd November 1972.

No. 23 of 1917 is the ORDER of the DISTRICT JUDGE, COCHIN.

Venkateswari Nayaka, son of Marappa Nayaka an Eggipplam,
 Cochin taluk Petitioner (Debtor).

Notice is hereby given under section 12 (2) of Act III of 1907, that the abovesigned insolvency petition will be heard by the Official Receiver, Cochin, at 11 a.m. on 29th November 1917.

No. 24 of 1917 is the ORDER of the DISTRICT JUDGE, COCHIN.

Malaya Goudan, son of Marappa Goudan, Marappa Goudan,
 and Chellappa Goudan, sons of Malaya Goudan at Arthalam,
 palayam, Ponnani taluk Petitioner (Debtors).

Notice is hereby given, under section 12 (2) of Act III of 1907, that the abovesigned insolvency petition will be heard by the Official Receiver, Cochin, at 11 a.m. on 29th November 1917.

No. 25 of 1917 is the ORDER of the PRINCIPAL DISTRICT MAGISTRATE, COCHIN.

In the matter of the Insolvency of Arayampattam Town.

Arayampattam Town, son of Kattappa Town at Kottapalayam,
 Cochin taluk Petitioner (Insolvent).
 Kottappa Town and others Creditors.

Notice is hereby given, under section 16 (7) of Act III of 1907, that the debtor abovesigned has been adjudged insolvent by an order of the Official Receiver, Cochin, dated the 29th day of September 1917, on the application of the abovesigned debtor; that all the creditors of the abovesigned debtor should prove their debts as soon as possible before 19th November 1917, and that a claim may be proved by delivering or sending by post in a registered letter to the Official Receiver, Cochin, an affidavit in form No. 3 of the appendix to the Madras Provincial Insolvency Rules, 1904.

No. 26 of 1917 is the ORDER of the PRINCIPAL DISTRICT MAGISTRATE, COCHIN.

In the matter of the Insolvency of Uthi Goudan, son of Uthi.

Goudan at Parakkal, Cochin taluk Petitioner (Insolvent).
 Parappa Appa and others Creditors.

Notice is hereby given, under section 16 (7) of Act III of 1907, that the debtor abovesigned has been adjudged insolvent by an order of the Official Receiver, Cochin, dated the 29th day of September 1917, on the application of the abovesigned debtor; that all the creditors of the abovesigned debtor should prove their debts as soon as possible before 19th November 1917, and that a claim may be proved by delivering or sending by post in a registered letter to the Official Receiver, Cochin, an affidavit in form No. 3 of the appendix to the Madras Provincial Insolvency Rules, 1904.

No. 27 of 1917 is the ORDER of the PRINCIPAL DISTRICT MAGISTRATE, COCHIN.

Gopalaswami Nayaka, son of Venkataswami Nayaka, residing at
 Cochin Petitioner (Debtor).

Notice is hereby given, under section 12 (2) of Act III of 1907, that the abovesigned insolvency petition will be heard by the Official Receiver, Cochin, at 11 a.m. on 29th November 1917.

No. 28 of 1917 is the ORDER of the PRINCIPAL DISTRICT MAGISTRATE, KANNUR.

Sachidanantha Naidu, son of Arangantha, at Nuvannal, Changanassery
 taluk Petitioner (Debtor).

Notice is hereby given, under section 12 (2) of Act III of 1907, that the abovesigned insolvency petition will be heard by the Official Receiver, Cochin, at 11 a.m. on 29th November 1917.

No. 29 of 1917 is the ORDER of the DISTRICT MAGISTRATE, THANER.

Velayudha Goudan, son of Kottu Goudan, at Anur, hamlet of Kella,
 palayam, Ponnani taluk Petitioner (Debtor).

Notice is hereby given, under section 12 (2) of Act III of 1907, that the abovesigned insolvency petition will be heard by the Official Receiver, Cochin, at 11 a.m. on 29th November 1917.

No. 30 of 1917 is the ORDER of the DISTRICT MAGISTRATE, UDUPPI.

In the matter of the Insolvency of Arayampattam Town.

Arayampattam Town, son of Kattappa Town at Kottapalayam,
 Cochin taluk Petitioner (Insolvent).
 Kottappa Town and others Creditors.

Notice is hereby given under section 16 (7) of Act III of 1907, that the debtor abovesigned has been adjudged insolvent by an order of the Official Receiver, Cochin, dated the 29th day of September 1917, on the application of the abovesigned debtor; that all the creditors of the abovesigned debtor should prove their debts as soon as possible before 19th November 1917, and that a

No. 56 of 1917 (No. 18 of 1917 on the FILE of THE DISTRICT JUDGE'S COURT, Vellore)
IN THE COURT OF THE DISTRICT JUDGE, NORTH ARCADE.

In the matter of Narayana Chetti, as defendant.

Narayana Chetti, son of Manivannan Chetti, Vellore, Tondar, aged 30
years, Raj Vanni street, Vellore *Plaintiff.*

Under section 16 (7) of the Provincial Insolvency Act, it is hereby notified that an order of adjunction was made in the above matter by this Court on 24th September 1917 and that the creditors should prove their claims as soon as possible. Claims may be proved by delivering or sending by post in a registered letter to me an affidavit in Form No. 2 of the Madras Provincial Insolvency Rules, 1908.

No. 57 of 1917 (No. 19 of 1917 on the FILE of THE DISTRICT JUDGE'S COURT, Vellore)
IN THE COURT OF THE DISTRICT JUDGE, NORTH ARCADE.

In the matter of Venkatesh Achari, &c., as debtors.

Venkatesh Achari, Bhadrappa Achari and Manikka Achari, sons of
Subbapathi Achari, Vinayakachari, sons, Goldsmith, Kanakara
street, Suddipet, Vellore *Plaintiffs.*

Under section 16 (7) of the Provincial Insolvency Act, it is hereby notified that an order of adjunction was made in the above matter by this Court on 24th September 1917 and that the creditors should prove their claims as soon as possible. Claims may be proved by delivering or sending by post in a registered letter to me an affidavit in Form No. 2 of the Madras Provincial Insolvency Rules, 1908.

No. 58 of 1917 (No. 1 of 1917 on the FILE of THE DISTRICT JUDGE'S COURT, MADRASAPALLY)
IN THE COURT OF THE DISTRICT JUDGE, NORTH ARCADE.

In the matter of Kaji Syed Hyderali, as defendant.

Kaji Syed Hyderali, son of Kaji Syed, Fakir Sahib, Piller, Tappad
Sahib *Plaintiff.*

Under section 16 (7) of the Provincial Insolvency Act, it is hereby notified that an order of adjunction was made in the above matter by this Court on 24th September 1917 and that the creditors should prove their claims as soon as possible. Claims may be proved by delivering or sending by post in a registered letter to me an affidavit in Form No. 2 of the Madras Provincial Insolvency Rules, 1908.

No. 59 of 1917 (No. 2 of 1917 on the FILE of THE DISTRICT JUDGE'S COURT, Vellore)
IN THE COURT OF THE DISTRICT JUDGE, NORTH ARCADE.

In the matter of Muhammad Ehsan Sahib, as debtor.

Muhammad Ehsan Sahib, son of Anna Sahib, Muhammadali, trader,
aged 40 years, Chinnai Madai Sahib Street, Trappettur *Plaintiff.*

Under section 16 (7) of the Provincial Insolvency Act, it is hereby notified that an order of adjunction was made in the above matter by this Court on 24th September 1917 and that the creditors should prove their claims as soon as possible. Claims may be proved by delivering or sending by post in a registered letter to me an affidavit in Form No. 2 of the Madras Provincial Insolvency Rules, 1908.

No. 71 of 1917 (No. 3 of 1917 on the FILE of THE DISTRICT JUDGE'S COURT, TRIVANANTHAPURAM)
IN THE COURT OF THE DISTRICT JUDGE, NORTH ARCADE.

In the matter of Umaru Khan Sahib, as defendant.

Umaru Khan Sahib, Muhammadali, labourer, aged sixty years,
Korandapath, Trappettur taluk *Plaintiff.*

Under section 16 (7) of the Provincial Insolvency Act it is hereby notified that an order of adjunction was made in the above matter by this Court on 17th September 1917 and that the creditors should prove their claims as soon as possible.

Claims may be proved by delivering or sending by post in a registered letter to me, an affidavit in Form No. 2 of the Madras Provincial Insolvency Rules, 1908.

No. 55 of 1917 (No. 15 of 1917 on the FILE of THE MUDIR'S COURT, TRIVANANTHAPURAM)
IN THE COURT OF THE DISTRICT JUDGE, NORTH ARCADE.

Kanan Nappala, son of Narayana Nappala, Karami, labourer, aged 31
years, Kulpundi, taluk of Kozhikottam, Trivannanthapuram *Plaintiff.*

Under section 12 (2) of the Provincial Insolvency Act, it is hereby notified that the above petitioner has applied to be adjudged insolvent and that his application is posted to the 14th day of November 1917 for hearing the objections of the creditors, if any, in the matter.

No. 51 of 1917 (No. 53 of 1917 on the FILE of THE MUDIR'S COURT, Vellore)
IN THE COURT OF THE DISTRICT JUDGE, NORTH ARCADE.

V. Pradyuman Chetti, son of Vennamall Chetti, Clerk, sons, labourer,
Palur *Plaintiff.*

Under section 12 (2) of the Provincial Insolvency Act, it is hereby notified that the above petitioner has applied to be adjudged insolvent and that his application is posted to the 14th day of November 1917 for hearing the objections of the creditors, if any, in the matter.

No. 44 of 1917 (No. 14 of 1917 of the list of the Master's Court, Trincomalee)
in the Court of the District Magistrate, North Amoy.

Periyasami Nathan, son of Meyandi Nathan, Vallu, cultivation,
aged 35 years, Vedanthan, Trincomalee taluk *Petitioner.*

Under section 15 (3) of the Provincial Landrency Act, it is hereby notified that the above petitioner has applied to be adjudged insolvent and that his application is posted to the 5th day of November 1917 for hearing the objections of the creditors, if any, in the matter.

No. 45 of 1917 (No. 7 of 1917 of the list of the Master's Court, Trincomalee)
in the Court of the District Magistrate, North Amoy.

Vandacharyulu, son of M. P. Gopalachari, Brahmin, aged 31 years,
Tiruchel *Petitioner.*

Under section 15 (3) of the Provincial Landrency Act, it is hereby notified that the above petitioner has applied to be adjudged insolvent and that his application is posted to the 5th day of November 1917 for hearing the objections of the creditors, if any, in the matter.

No. 46 of 1917 (No. 8 of 1917 of the list of the Master's Court, Trincomalee)
in the Court of the District Magistrate, North Amoy.

S. Balu Babu, son of Mahalingam Babu, Mahomedan, trader, aged
50 years, Thiruvannamalai, Madras *Petitioner.*

Under section 15 (3) of the Provincial Landrency Act, it is hereby notified that the above petitioner has applied to be adjudged insolvent and that his application is posted to the 5th day of November 1917 for hearing the objections of the creditors, if any, in the matter.

No. 47 of 1917 (No. 7 of 1917 of the list of the Master's Court, Trincomalee)
in the Court of the District Magistrate, North Amoy.

Gowindasami Mudali, son of Narayanasami Mudali, Vallu, trade,
Kari street, Tiruchel *Petitioner.*

Under section 15 (3) of the Provincial Landrency Act, it is hereby notified that the above petitioner has applied to be adjudged insolvent and that his application is posted to the 5th day of November 1917 for hearing the objections of the creditors, if any, in the matter.

No. 48 of 1917 (No. 10 of 1917 of the list of the Master's Court, Amoy)
in the Court of the District Magistrate, North Amoy.

Ramasami Nelli, son of Mahalingam Nelli, Hindu, aged 40 years, cultivation,
Mangalore, District of Malabar, Cochin State *Petitioner.*

Under section 15 (3) of the Provincial Landrency Act, it is hereby notified that the above petitioner has applied to be adjudged insolvent and that his application is posted to the 5th day of November 1917 for hearing the objections of the creditors, if any, in the matter.

No. 109 of 1917 (No. 31 of 1917 of the list of the District Magistrate's Court, Vallu)
in the Court of the District Magistrate, North Amoy.

Abdul Kalam Sahib, son of Abdul Qadir Sahib, Mahomedan, cultivation,
Puliyavathi, Puliyavathi *Petitioner.*

Under section 15 (3) of the Provincial Landrency Act, it is hereby notified that the above petitioner has applied to be adjudged insolvent and that his application is posted to the 5th day of November 1917 for hearing the objections of the creditors, if any, in the matter.

No. 110 of 1917 (No. 34 of 1917 of the list of the District Magistrate's Court, Vallu)
in the Court of the District Magistrate, North Amoy.

Gopalakrishna Chetty, son of Gopalakrishna Chetty, Hindu, aged 40 years,
cultivation, Kottayam, Kottayam *Petitioner.*

Under section 15 (3) of the Provincial Landrency Act, it is hereby notified that the above petitioner has applied to be adjudged insolvent and that his application is posted to the 5th day of November 1917 for hearing the objections of the creditors, if any, in the matter.

No. 111 of 1917 (No. 35 of 1917 of the list of the District Magistrate's Court, Vallu)
in the Court of the District Magistrate, North Amoy.

Gopalaraja Mudali, son of Chinnasami Mudali, Vallu, trade,
Kottayam, Kottayam *Petitioner.*

Under section 15 (3) of the Provincial Landrency Act, it is hereby notified that the above petitioner has applied to be adjudged insolvent and that his application is posted to the 5th day of November 1917 for hearing the objections of the creditors, if any, in the matter.

Official Receiver's Court, North Amoy.
Calcutta, 10th October 1917.

V. KRISHNASWAMI ACHARYAN,
Official Receiver.

incident by this Court on 14th October 1917 and the auditors are called upon to prove their claim on or before the 26th November 1917 at 3 a.m. by delivering or sending by registered post an affidavit in Form No. 3 of the Madras Provincial Insolvency Rules, 1908. The debtor's examination will also take place on the said date at 3 a.m.

No. 145 of 1917 (No. 24 of 1917 of the FILE of the DISTRICT MUGGER'S COURT, PALNATI)
IN THE COURT OF THE OFFICIAL RECEIVER, SOUTH MALABAR.

Rama Reddi Petitioner
Mathias Cheri and three others Respondents.

Notice is hereby given, under clause 2 of section 15 of Act III of 1907, that Rama Reddi, one of the petitioners residing at East Thonichampuzha, Thiruvananthapuram taluk, has applied for being declared an insolvent and that his application is posted for hearing in this Court on Friday the 16th November 1917. Any creditor wishing to oppose the same may appear before this Court either in person or by pleader at 3 a.m. on the said date.

Official Receiver's Court, South Street, Calcutta.
13th October 1917.

P. S. BANUA ACHARYAH,
Official Receiver.

No. 15 of 1917 IN THE COURT OF THE DISTRICT JUDGE, SOUTH MALABAR.

K. S. Gundakrishna Pillai, residing at Kaniyasheri manor, Kani-
sheri village, Palghat taluk (Plaintiff)
.. .. . (Defendant)

Notice is hereby given that the petitioner has been declared insolvent by an order of the District Judge, South Malabar, dated 10th September 1917, under section 15 (1) of Act III of 1907. Creditors are directed to prove their claims before the Official Receiver in Form No. 3 of the Provincial Insolvency Rules on or before the 26th November 1917, failing which dividends will be declared without regard to their claims.

No. 54 of 1917 (No. 12 of 1917 of the FILE of the DISTRICT MUGGER'S COURT, PALNATI)
IN THE COURT OF THE OFFICIAL RECEIVER, SOUTH MALABAR.

V. Changanamannil Mathias's son Pottanambal Koydas, residing at
Changanamannil, Muvattur Thero, Palghat taluk Petitioner (Defendant).

Notice is hereby given under section 15 (1) of Act III of 1907, that the above-mentioned insolvency petition will be heard by the Official Receiver at 11 a.m. on Friday the 9th November 1917.

No. 25 of 1917 (No. 4 of 1917 of the FILE of the DISTRICT JUDGE'S COURT, CALNATI)
IN THE COURT OF THE OFFICIAL RECEIVER, SOUTH MALABAR.

I. Narsayyan Pillai, residing at Puthu Vela Pannan's of Narsayyan
manor and damu, Calicut taluk Petitioner (Defendant).

Notice is hereby given, under section 15 (1) of Act III of 1907, that the above-mentioned insolvency petition will be heard by the Official Receiver at 11 a.m. on Friday the 9th November 1917.

No. 56 of 1917 (No. 16 of 1917 of the FILE of the DISTRICT COURT, SOUTH MALABAR)
IN THE COURT OF THE OFFICIAL RECEIVER, SOUTH MALABAR.

Tharval Bhaskrishnan Nayan, residing at Vaidyanthar manor,
Kathoor damu, Waduvannal taluk Petitioner (Defendant)

Notice is hereby given, under section 15 (1) of Act III of 1907, that the above-mentioned insolvency petition will be heard by the Official Receiver at 11 a.m. on Friday the 21st November 1917.

No. 59 of 1917 (No. 19 of 1917 of the FILE of the DISTRICT COURT, SOUTH MALABAR)
IN THE COURT OF THE OFFICIAL RECEIVER, SOUTH MALABAR.

P. S. Keshavan Kutty son Pottanambal, residing at Keshavan Kutty manor,
Kathoor damu, Waduvannal taluk Petitioner (Defendant).

Notice is hereby given under section 15 (1) of Act III of 1907 that the above-mentioned insolvency petition will be heard by the Official Receiver at 11 a.m. on Friday the 2nd November 1917.

No. 51 of 1917 (No. 4 of 1917 of the FILE of the DISTRICT JUDGE'S COURT, PALNATI)
IN THE COURT OF THE OFFICIAL RECEIVER, SOUTH MALABAR.

Rama Pattara's son Pottanambal, residing at Nuvall village,
Pinnur manor, Palghat taluk Petitioner (Defendant).

Notice is hereby given, under section 15 (1) of Act III of 1907, that the above-mentioned insolvency petition will be heard by the Official Receiver at 11 a.m. on Friday the 2nd November 1917.

PUBLIC WORKS NOTIFICATIONS.

NOTICE.

Notice is hereby given that the cargo boat No. 248 C of 12 tons was found ashore in April 17 abutting the wharves in the Tankbroom canal at 10-4 a.m., and was removed to canal bank by Government at a cost of Rs. 11.

The owners of the above-mentioned boat are informed that if they do not claim it after paying the Government dues within 30 days from the date of this notice, the said boat will be sold as public auction and the cost incurred by Government will be recovered, the balance of redemption if any, being refunded to the owner.

Madras, 1st October 1917.

E. A. CHENIVASA AYYANGAR,
Executive Engineer, Cuddalore Division.

UNCLAIMED SUMS.

Notice is hereby given that the following amounts are outstanding in the accounts of this Division in favour of the following deceased contributors—

	Amount outstanding.
(1) A. Parameswara Nayudu— For repairing the R.R. at Pravalapattanam from head to Kuttalam dam, estimate Rs. 5,100	Rs. 5,100 78 10 0
(2) Appakumar Padayatchi— (a) For repairs to the shed in front of the Handalar Customs office, estimate Rs. 125	Rs. 125 5 0 0
(b) For constructing debris drains to protect the petrol tank of the Salt factory at Thiruvannam	Rs. 11 0 0
	Total 84 10 0

The legal heirs of the above deceased contributors should apply to the undersigned with the necessary supporting documents.

Tanjore, 17th October 1917.

N. PARAMESWARAN PILLAI,
Executive Engineer, Cuddalore Division.

It is hereby notified that the undermentioned sums due to the deceased contributors are outstanding for a long time and kept under "deposit" in the accounts of this Division pending claim by the legal heirs and that the parties concerned may appear before the concerned Subdivisional Officer and take payment on production of proper identity certificates within three months from the date of this notification, failing which they will be retained to Government.

Sums payable to contributors, Ramanathapuram.

Name of contributor deceased.	Amount due.	Period from which outstanding.
S. Venkayya	Rs. 125 0 0	February 1915.

Sums payable to contributors, Palani.

D. Narayanaiah	Rs. 17 7 0	September 1914.
Do.	488 1 0	September 1915.
Do.	8 11 0	October 1916.
Do.	16 5 0	October 1918.

Madras, 17th October 1917.

A. S. MCHUAL,
Executive Engineer, Palani Division.

Unclaimed wages of the following coolies in Public Works Stores Division if not claimed within one month will be credited to Government—

	Rs.	A.	P.
No. 756, M. Marvin, wages for 1st to 18th May 1917	1 2 0
No. 416, Gnanaprasanna, wages for 1st to 18th June 1917	0 5 8
No. 251, Govindaswami Mudaliyar, wages for 1st to 18th July 1917	0 2 5

Madras, 18th October 1917.

H. F. McCURRY,
Executive Engineer, P. W. Stores Division.

MILITARY NOTIFICATIONS.

CLAIMANTS WHO HAVE ATTAINED THEIR MAJORITY.

It is hereby notified that claims from the aforementioned individuals on account of the pecuniary loss to them should be submitted to the Controller of Military Armaments, Colombo, through the Staff Officer of the station at which such claimant may be residing:—

Names of Warrent and For-Commissioned Officers and Soldiers deceased.	Children.
Brooks, John, Sergeant, Infantry Veterans Company	Caroline Brooks (daughter). Donald Brooks (son). John Brooks (son).*
Burden, John, Gunner, European Artillery Veterans Company ..	Charles Burden (son). Ann Clarkson (daughter).
Clarkson, Samuel, Artillery, Ceylon Ceylonian Department ..	Elizabeth Carroll (daughter). Joseph Carroll (son). Agnes Carroll (daughter).
Carroll, J., Sergeant, 1st European Light Infantry	John Carroll (son). George William Carroll (son). James Doyle (son). Angela Alice Emma Tinsford (daughter).
Cassidy, J., Sub-Commander, Ordnance Department	John Cassidy (son). James Cassidy (son). William Cassidy (son). Joseph Cassidy (son). Frederick Cassidy (daughter). Richard Cassidy (son). Thomas Cassidy (son). George Cassidy (son). Charles Cassidy (son). George Henry Cassidy (son). Edward Cassidy (son). Frank Cassidy (son). Mary Cassidy (daughter). Andrew James Cassidy (son).
Cassidy, J., Gunner, 4th Battalion, Madras Artillery	
Cassidy, S., Gunner, 1st Battalion, Madras Artillery	
Farrell, L., Corporal, 1st Madras European Regiment	James Farrell (son). William Farrell (son). Joseph Farrell (son). Frederick Farrell (daughter). Richard Farrell (son). Thomas Farrell (son). George Farrell (son). Charles Farrell (son). George Henry Farrell (son). Edward Farrell (son). Frank Farrell (son). Mary Farrell (daughter). Andrew James Farrell (son).
Fitz, J., Corporal, 1st Madras European Regiment	
Grimston, N., Sergeant, 1st Madras European Regiment	
Hawkins, Richard, Private, European Infantry Veterans Com- pany	James Hawkins (son). William Hawkins (son). Joseph Hawkins (son). Frederick Hawkins (daughter). Richard Hawkins (son). Thomas Hawkins (son). George Hawkins (son). Charles Hawkins (son). George Henry Hawkins (son). Edward Hawkins (son). Frank Hawkins (son). Mary Hawkins (daughter). Andrew James Hawkins (son).
Hendry, W., Sub-Commander, Ordnance Department	
Hendry, James, Gunner, 1st Battalion, Artillery	
Hendry, F., Hospital Sergeant	
Kelley, L. V., Bombardier, 1st Battalion, Artillery	
Kelley, W. S., Gunner, D Company, 1st Battalion, Madras Artillery	
McDonald, B., 1st Corporal, Signals and Mess	James McDonald (son). Andrew McDonald (son).
McDonald, Richard, Staff Sergeant, D Company, 4th Battalion, Artillery	
McNee, J., Foreman, Ceylon Ceylonian Artillery Corps	Agnes McNee (daughter). Mary McNee (daughter). Robert McNee (daughter). Patrick John McNee (son).
Murphy, L., Private, 1st Madras European Regiment	James Murphy (son). Annie Murphy (daughter). Catherine Murphy (daughter). James Murphy (daughter). John Murphy (son). Mary Ann Murphy (daughter). Henry Murphy (son). John Murphy (son). Ellen Murphy (daughter). John Murphy (son). Thomas Murphy (son). John M. Murphy (son).
Nicholson, T., Sergeant, 1st Madras European Regiment	
Nicholson, W., Corporal, 1st European Light Infantry	
Nicholson, B., Sub-Commander	
Smith, Michael, Colour Sergeant, 1st Madras European Regiment ..	
Smith, B., Sergeant, 1st Battalion, Artillery	
Shepherd, J., Sergeant, 1st Battalion, Artillery	
Watson, J., Gunner, 4th Battalion, Artillery	
Wiggins, R., Gunner, Madras Artillery	

* Child married, but claimant has not yet applied to receive payment.

Hk (Considered) Director, Colombo.
4th October 1917.

H. G. SEYMOUR, Major, I.A.,
Controller of Military Armaments.

REPORT OF DESCRIPTION.

Reported on character without leave from the 24th (The Welsh) General Hospital,
Dorset, from 15th night of October 1917.

Height, rank and name, 5'8", Private Whiddell, Percy, R.A.M.C.; age 25 years, height,
5'8" (178 cm); complexion, fair; hair, dark brown; nose, straight; address, 45, Manor
Road, Streatham, London, S.W.11; service, 8 years; place of birth, and night sleep on night bed. It is
noted that he was wearing patient's clothes.

F. B. DALGLEISH, Captain, R.A.M.C.,
Squadron, The 24th (The Welsh) General Hospital, Dorset.

MARINE NOTIFICATIONS.

NOTICES TO MARINERS.

No. 22 of 1917.

The following is published for information.

Presidency Port Office, Madras,
12th October 1917.F. G. SMITH,
for Presidency Port Officer.

NOTICE TO MARINERS.

No. 445.

CHINA SEA—CHANGSHAN DISTRICT—TANGSHAN RIVER—TANGSHAN RIVER—NORTH BANK PROTECTION WORKS.

Caution.

Referring to Notice to Mariners No. 427, notice is hereby given that it has become necessary to again draw the attention of mariners to the river bank protection works on the left bank of the Tangshu river from Tangshu river towards North True Beacon.

These works are spur-dikes, built of stone. They are submerged and project up to 200 feet into the river.

Mariners are therefore cautioned against navigating their vessels too close to the river bank in this locality.

(By order of the Inspector-General of Customs.)

The Maritime Customs, Coast Inspector's Office,
Shanghai, 28th September 1917.W. F. TOLME,
Coast Inspector.

No. 24 of 1917.

The following is published for information.

Presidency Port Office, Madras,
12th October 1917.F. G. SMITH,
for Presidency Port Officer.

NOTICE TO MARINERS.

No. 446.

CHINA SEA—WANGSHAN DISTRICT—CHANGSHAN RIVER—AS SHOWN TO THE EAST OF WANGSHAN ISLAND—CHANGSHAN RIVER—CHANGSHAN RIVER.

Notice is hereby given that the Crossing Beacon on Ching Island, Ching Island, approach to the port of Wangshu, have been discontinued.

(By order of the Inspector-General of Customs.)

The Maritime Customs, Coast Inspector's Office,
Shanghai, 28th September 1917.W. F. TOLME,
Coast Inspector.

No. 25 of 1917.

The following is published for information.

Presidency Port Office, Madras,
12th October 1917.F. G. SMITH,
for Presidency Port Officer.

NOTICE TO MARINERS.

TANGSHAN RIVER—CHANGSHAN RIVER.

The buoys marking the entrance to the river anchorage at Qidong have been replaced, and their position is as follows:—

Red buoy: borne from Tangshu Light-house S.E., distance about 54 miles.

Black buoy: borne from Tangshu Light-house S.E. & S., about 112 miles.

The entrance of mariners is shown to the north appearing on the chart of Qidong Road Sheet 111, West Coast of India, with reference to these buoys.

Port Office, Alleppey,
12th October 1917.W. L. KELLY, *Ensign-Commander, R.N.M.*,
Principal Port Officer, Travancore.

REVENUE NOTIFICATIONS.

Under section 40-A (2) of the Madras Salt Act IV of 1880, as amended by the Madras Desaminate-Act, 1914, the Commissioner is pleased to exempt the removal of salt from the Kayalpattanam, Changanassery, and Kollam districts of the Kayalpattanam circle for transport by sea and rail to

(1) That the salt shall be carried on sealed bags and weighed on arrival.

(2) That the salt duty at the rate in force shall be levied on all salt delivered, on clearance for transport by sea and rail.

(3) That the duty shall be credited to the British Government.

Board of Revenue (Revenue Department),
Madras, 12th October 1917.E. SHANMUGAM,
Secretary.

In exercise of the powers delegated under sub-section (2) to section 2 of the Madras Survey and Revenue Act, 1897, as amended by the Madras Decretisation Act, 1914, the Board of Revenue hereby directs the survey under the provisions of said Act of 1897 of the following areas in the Greater district:—

NAME.	NAME OF TALUK.
Tiruchendur	Tiruchendur.
Narasimangal	Purambakulam.
	Thiruvalla.
Paland	Tadipatri.
	Manjeri.
Orpale	Adichan.

In exercise of the powers delegated under sub-section (4) to section 17 of the Madras Survey and Revenue Act, 1897, as amended by the Madras Decretisation Act, 1914, the Board of Revenue hereby directs that a survey under section 17 (1) (b) of the said Act of 1897 be made of the estate lands comprised in the taluk of Thiruvalla in the Palnad taluk of the Greater district.

Board of Revenue (R. S. Bur., S. S. & Agt.),
10th October 1917.

R. KARAYANA MENON,
Acting Secretary.

OFFICIAL ADVERTISEMENTS.

[A GOVT. COMPANIES ACT FOR INVESTMENT ON LAND]

SALE OF LAND AND GROWTH OF THE RESERVED FORESTS IN THE SOUTH ARCADE DISTRICT.

Notice is hereby given, that the forest land with growth as described in the schedule appended, will be put up to public auction at the places and on the dates named in the appropriate column subject to the conditions set forth hereunder.

The lands in all the reserves are either dry soil or black cotton soil well suited for all kinds of crops and are fairly close to either railway station or an important town in the district and within easy reach of good communication.

1. All existing rights and public enclosures in the areas will be continued.

2. The sale is subject to the confirmation of the District Forest Officer who reserves to himself the right to reject any bid without assigning reasons for same.

3. Bidding bidders must deposit Rs. 100 as earnest money deposit before the sale begins and the deposit of all except the highest bidder will be returned at the close of the sale.

4. Successful bidder will have to pay up the full amount of bid within a fortnight from the date of receipt of intimation of confirmation of sale. Failure to do so will result in the forfeiture of the deposit made and 10% of the block at the rate of the sale of the approved bidder, who will be responsible for any loss occurring by such rule and which will be recovered from him as arrears of land revenue under Act II of 1904. He will, however, have no claim to any profit arising from such rule.

5. After confirmation of sale and in due course parts will be granted and land tax levied by the revenue department at par rates in force.

6. After confirmation of sale, the successful bidder will have to make his own arrangements for the safety of the land and the growing stock on the lands sold to him.

7. Interested bidders are advised to inspect the blocks beforehand and satisfy themselves as to land and growth, etc. Subsequent complaints will not be attended.

8. Further particulars and maps showing divisions of the reserved forests into blocks, allotted rights, etc., may be seen either at the District Forest Office, Coimbatore, or at the respective Forest Range Office.

9. The areas of the blocks have been tentatively fixed and are subject to revision after survey and the assessment on the lands are also liable to alteration at any general revision of land revenue of the district. The bids offered will be for the whole area of the blocks as now divided by it more or less.

10. The blocks will be put up for sale at 2 p.m. on the notified dates.

SCHEDULE.

Serial of blocks.	Name of reserved forest.	Area in acres.	Place of sale.	Date of sale.	Distance to a railway station or an important town.	Remarks.
				1917.		
Coimbatore ..	Kongurpet ..	5,604	Turavali ..	21st November ..	9	To be sold land and growth to grow.
Tiruchendur ..	Adichan ..	1,600	Thiruvalla ..	2nd	12	
Thiruvalla ..	Thiruvalla ..	100	Thiruvalla ..	10th	13	
Thiruvalla ..	Thiruvalla ..	100	Thiruvalla ..	25th	13	Land about to be sold to the growth has already been reserved.
Thiruvalla ..	Thiruvalla ..	100	Thiruvalla ..	10th	13	
Thiruvalla ..	Thiruvalla ..	100	Thiruvalla ..	10th	13	

* These have been divided into approximately 200 small blocks as the growth. The approximate size of each block will be announced in the form of sale.

F. A. CHENNAIAPPA,

Collector, N.T., 24th October 1917.

District Forest Officer, South Arcot and Tiruvalla.

SALE OF STANDING GROWTH IN RESERVED FORESTS OF THE SOUTH ARCTIC DISTRICT.

[Of large quantities of standing and logging fuel required by the South Arctic Railway. (a) A great quantity for clearing and for clearing and for clearing.]

Access will be held of the right to clear, fell and remove the entire standing growth in the unreserved reserved forests of the South Arctic District at the place and on the dates noted in the appropriate columns.

CONDITIONS OF SALE.

1. No person shall bid without depositing Rs. 100 as earnest money for each reserved forest. The bid shall be in a lump sum for the whole area in each reserved forest in a more or less at a month per acre.

2. The sales will be subject to the confirmation of the District Forest officer who reserves the right to reject any bid.

3. The earnest deposits of the unsuccessful bidders will be forthwith returned. Those of the highest bidder will be retained and on confirmation of the sale, will be applied towards the earnest fee. If the sale is not confirmed the earnest receipt will be given ordered with order by the District Forest officer for repayment by the treasury.

4. From the date of acceptance of receipt of order confirming the sale the bidder must make his own arrangements for the protection of the growth.

5. Maps showing the reserves for sale can be inspected at the respective Forest Range offices or District Forest office, Culcutta N.T.

6. The successful bidder should within fifteen days from the date of receipt of order confirming the sale lodge one-eighth of the sale amount in the Forest Range Bank as earnest deposit in the name of the District Forest officer for the full fulfillment of the contract and also execute the usual agreement in the prescribed form. The balance amount should be paid in such instalments as may be fixed by the District Forest Officer within a year.

7. If security deposit is not deposited as agreement entered in time or if instalments are not paid on the due dates, enjoyment may be suspended for each period as may be necessary and in addition the contract is liable to be cancelled and would at the risk of the original purchaser and all persons paid, forfeited. The contractor will not be entitled to any extension of time to make up for such suspensions. Any loss occurring by such results will be recovered from him as arrears of land revenue under Act II of 1914. He will however have no claim to any profit arising from such results.

8. Intending bidders are requested to inspect the areas beforehand. Government does not guarantee the correctness of the area of each reserved forest which is fairly accurate. No refund can therefore be claimed if any variation is noticed in the area afterwards.

9. Proportionate areas must be cleared within the year as per return to certificate lands to be sold immediately.

10. The contractor shall not interfere with the parts trees, if any, that may be on the area.

11. Other conditions as usual.

Serial order	Name of reserved forest.	Area in acres.	Yields allowed for reserved.	Distance from the nearest railway station or telegraph station.	Date and place of sale.	Remarks.
Caldwell Range.						
1.	Endersburg, C. 6	90-40	1 year ..	4 miles from Caldwell railway station.	19th November 1917, Culcutta.	
	Do. C. 7	11-20	2			
	Do. C. 8	45-28	1			
	Do. C. 9	100-40	1			
Franklin Range.						
1.	Islandgreen ..	542	12 years ..	12 miles from Franklin Is.	19th November 1917, Franklin Is.	
2.	Valley ..	1,610	14	18	19th November 1917, Franklin Is.	
3.	Alvendale, south ..	4,000	8	2 miles from Endersburg ..	19th November 1917, Endersburg.	
4.	Donkington ..	7,000	10	1 mile do.	Do.	
5.	Donkington ..	1,500	8	8 miles do.	Do.	
6.	Alvendale, north ..	2,000	20	1 mile do.	Do.	
7.	Alvendale, north ..	2,000	8	1 1/2 do.	Do.	
8.	Widdowson, II lot ..	2,000	8	12 miles from Franklin Is.	19th November 1917, Franklin Is.	
9.	Do. III lot ..	4,800	8	do.	do.	
Edinburgh Range.						
1.	Thorpington ..	1,400 00	12 years ..	12 miles from Edinburgh Is.	19th November 1917, Edinburgh Is.	
2.	Lothian ..	1000	8 years ..	8	do.	

Culcutta, N.T., 20th October 1917.

K. A. CHENGAPPA,
District Forest Officer, South Arctic zone, Eastern.

TENDERS FOR THE TRANSPORT OF SALT.

Tenders tenders will be received by the Assistant Commissioner at the office of the Inspector, Madras Depot Circle, up to 3 p.m. on Thursday, the 29th October 1917, for the supply of loads for the transport to the Madras Depot (1) in bags or (2) in bulk of all or any portion that may be required.

- MONTHLY LIST OF CIVIL SERVANTS BELONGING TO THE 1ST DECEMBER 1917. Royal Soc. Paper cover. As. 2 (2 s.)
- MADRAS TREASURY MAPS, Vols. I & II, third edition, 1911. Seventy-four and twenty-seven lists of contents. Each price 8. (5 s.)
- VILLAGE MAPS CONTAINING SURVEY FORMS OF VILLAGE ACCOUNTS FOR MADRAS DISTRICT.—Twelfth list of contents. Price 6. (5 p.)
- VILLAGE MAPS CONTAINING SURVEY FORMS OF VILLAGE ACCOUNTS FOR SOUTH KANARA DISTRICT.—Ninth list of contents. Price 6. (5 p.)
- VILLAGE MAPS CONTAINING SURVEY FORMS OF VILLAGE ACCOUNTS FOR MADRAS DISTRICT.—Thirteenth list of contents. Price 6. (5 p.)
- MADRAS LAW CHANGES CHRONICLE FOR 1917-18. Royal Soc. As. 11. (3 s. 6 p.)
- VILLAGE MAPS CONTAINING SURVEY FORMS OF VILLAGE ACCOUNTS, KODAK (GODHALLI), PRINTED 1918.—Thirteenth list of contents. Price 6. (5 p.)
- INVESTING THE MAPS.—Ninth list of contents. As. 1-6. (8 p.)
- CHRONICLE OF THE MADRAS RECORDS, 1740-1755. By H. Dodwell. Royal Soc. Cloth, 1917. As. 2-8. (2 s.)
- LOCAL FUND CODE.—NINTH LIST OF CONTENTS. As. 6-6. (2 s.)
- REVENUE LIST OF THE HIGH DEPARTMENT OF THE GOVERNMENT OF MADRAS, corrected up to 31st August 1917. Royal Soc. As. 2-1. (8 p.)
- CIVIL ACCOUNT CODE, Vol. I. Seventeenth list of contents. As. 2. (5 p.)
- LIST OF GENERAL NOTES AND ORDERS, 1917 edition. Addenda and corrigenda list No. 1, dated 31st December 1918. As. 2-8. (6 p.)
- REPORT OF THE ADMINISTRATION OF THE POLICE OF THE MADRAS PRESIDENCY FOR 1918. Foolscap folio, paper cover. As. 15 (4 s.)
- REPORT OF THE DISTRICT MAGISTRAR, Vol. I, 1918 edition. Thirteenth list of contents. As. 2-8. (5 p.)
- REPORTS AND REGULATIONS RELATING TO THE MADRAS GOVERNMENT MEDICAL SCHOOLS, 1917. Royal Soc. paper cover. As. 2 (5 p.)
- LOCAL POLICE AND ORDER, 1918 edition. Each supplement to Vol. I As. 2 (5 p.); to Vol. II As. 2-1. (4 s.)
- MADRAS LEGISLATIVE COUNCIL, MAYNAG 1918 edition. Addenda and corrigenda. Price 2 (5 p.)
- REPORT OF THE DEPARTMENT OF QUARTERS AND OTHER SERVICES IN THE MADRAS PRESIDENCY CORRESPONDING TO THE 1ST JULY 1917. Royal Soc. bound. As. 3 (3 s.)
- ANNUAL VOLUMES OF THE PRE-1918 TRADE AND NAVIGATION OF THE MADRAS PRESIDENCY FOR 1916-17. Foolscap folio, bound. As. 2 (11 s.)
- REPORT ON THE LATEST-LEADING CHRISTIANITY NOTIFICATION AND EXAMINATION BILLS FOR 1917-18. Royal Soc. bound. As. 4 (1 s.)
- ANNUAL REPORT OF THE ADMINISTRATIVE DEPARTMENT, GOVERNMENT OF MADRAS, FOR 1916-17. Foolscap folio, paper cover. As. 4-12. (5 s.)
- MUNICIPAL ACCOUNT CODE. (Second edition revised.) First list of contents. As. 1. (8 p.)
- TRINITY REPORT OF THE CIVIL HOSPITALS AND DISPENSARIES IN THE MADRAS PRESIDENCY FOR 1916. Foolscap folio. Paper cover. As. 2-6. (3 s.)
- MEMORANDUM.—ABSTRACT OF THE BILLS RELATING TO PUBLIC SERVICE REORGANIZATION IN THE MADRAS PRESIDENCY, corrected up to 31st March 1917. Royal Soc. paper cover. As. 2 (1 s.)
- ANNUAL REPORT OF THE DISTRICT MAGISTRAR IN THE MADRAS PRESIDENCY FOR 1916-17. Foolscap folio, paper cover. As. 16. (1 s.)
- ANNUAL REPORT OF THE SANITARY COMMISSIONER, SANITARY ENGINEERS AND SANITARY BOARD FOR THE YEAR 1916. Foolscap folio, paper cover. As. 12. (1 s.)
- LIST OF ANNUAL MEMORANDA RELATING TO CORRECTIONS IN THE MADRAS PRESIDENCY, revised up to 1st April 1917. Foolscap folio, wrapper. As. 2 (3 s.)
- THE MADRAS QUARTERS (YENI LARI), corrected up to the 1st October 1917. Royal Soc. paper cover. As. 1 (4 s. 8 p.)
- LOCAL ACT XV OF 1917. Indian Legislation (Amendment). Foolscap folio. English. Price 2. (2 s.)
- MADRAS ACT I OF 1917. An act to regulate the rate of interest and the transfer of land in the Coorgs, Yanaon and Godevay Agency tracts. Foolscap folio, Telugu and Tulu. Each price 8. (5 p.) Royal Soc. As. 2-6. (4 p.)
- GOVERNMENT OF MADRAS. South Indian Images of—. By Rao Sahib H. Krishna Sastri, s.a., 1916. Royal Soc. cloth gilt. As. 6-8 or 8 s. 12. (6 s.)

GOVERNMENT OF INDIA.

NEW LEGISLATIVE DEPARTMENT PUBLICATIONS FOR SALE

BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA,
8, RAJENDRA PURAM, CALCUTTA.

[A General Catalogue of all Government Publications may be obtained gratis from the Government General Press, Calcutta.]

- ACT II OF 1918 (INDIAN INCOME-TAX), corrected up to 1st April 1918. Urdu. 5 s. 8 p. (1 s.)
Each. 2 s. 8 p. (1 s.)
- ORDINANCE No. VII of 1918.—BENGOO INDIAN FARM CHARTER (PUNJAB). Urdu and English. Each. 8 p. (1 s.)
- ORDINANCE No. VIII of 1918.—BENGOO INDIAN FARM CHARTER (PUNJAB). Urdu and English. Each. 8 p. (1 s.)

VACANCIES.

Applications are invited from candidates possessing the Draftsman's group certificate (Government Technical Examination) for the post of draftsman in the temporary establishment in the District Forest Office, North West, Cuddalore, at a pay of Rs. 30 per mensem.

(1) Preference will be given to men who have worked in a District Forest Office.
(2) Particulars regarding age, nationality, date passed, etc., should be given in the applications which should reach the undersigned not later than the 31st of October 1917. Copies of testimonials, if any, may also be sent.

Cuddalore N.P., 26th September 1917.

K. A. CHENNAIYAR,
District Forest Officer, North West Division, Tanjore.

Wanted a Mechanical Draftsman for the States Central Division, Travancore, at Rs. 55-2-18 per mensem.

1. Applications are invited from passed men who have mechanical training.
2. The selected candidate will be on probation for six months.
3. Applications will be received up to 31st October 1917.

Travancore, 2nd October 1917.

J. R. LUTMAN,
Superintending Engineer, II Circle.

Applications are invited from duly qualified candidates for the post of acting Minor Irrigation Sub-Engineer on Rs. 85 per mensem for six months. Applications should reach the undersigned before 31st October 1917.

Madras Collector's Office,
7th October 1917.

G. F. PADDISON,
Collector.

Wanted immediately a duly qualified man for the post of a temporary Overlooker on Rs. 57-2-10. A man with electrical qualifications will be preferred. Apply in one handwriting on or before 27th October 1917.

Public Works Department, Chennai,
Madras, 12th October 1917.

S. J. B. GREENWOOD,
Electrical Engineer to Government.

Wanted for the Government Lunatic Asylum, Madras, European Attendants. Pay Rs. 60-2-6 (gross) a month, with two quarters and free supply of medicine.

Candidates should be of good physique and personality. Applications should be accompanied by European referees, certificates of educational qualifications and character. Candidates knowing one or more vernacular languages will be preferred.

Madras, 15th October 1917.

O. E. L. PALE, Major, I.M.S. (Retd.),
Superintendent, Government Lunatic Asylum.

Wanted for the Government Lunatic Asylum, Madras, Indian attendants, in varying grades of pay of Rs. 15, 16, 11 and 11 per mensem, with two quarters and free supply of medicine.

Candidates should be of good physique and personality and under 25 years of age. They should be able to read and write one or more languages and their applications should be accompanied by certificates of educational qualifications and character. Selection to the grades by merit.

Madras, 16th October 1917.

O. E. L. PALE, Major, I.M.S. (Retd.),
Superintendent, Government Lunatic Asylum.

Applications are invited for the post of a master in the Public Works Department Workshops at Dindigul.

Applicants should state their age, personal and technical educational qualifications and their experience and submit copies of testimonials with their applications. Note that those who have practical experience in carpentry, smithy, foundry, blacksmith, etc., and who have completed the school final exams should apply.

Applications will be received by the undersigned up to 16th November 1917.

Dindigul, 16th October 1917.

H. B. DOGRA,
Revenue Engineer, District and Public Works Division.

Wanted an assistant on Rs. 30-1-45 plus 500 travelling allowance at Rs. 10 per mensem for employment under tank boards. Applications should be addressed to the District Medical and Sanitary Officer, Tanjore, so as to reach him not later than 25th November 1917.

May not those who possess the qualifications prescribed in G.O. No. 463 L., dated 26th July 1917, need apply.

Tanjore District Board's Office,
18th October 1917.

J. R. HUGHES,
President.

Advertisements are invited from graduates with a knowledge of shorthand (Advanced or Intermediate) for a clerk's post in the office of the Board of Revenue, Bangalore Revenue. Preference will be given to candidates who have passed in type-writing. Applications with copies of testimonials, stating the salary required, should reach the undersigned before 1st November.

Board of Revenue (Bangalore Revenue),
Madras, 28th October 1917.

R. GRAHAM,
Secretary.

PRIVATE ADVERTISEMENTS.

On or after the 18th November, I intend moving the High Court to enrol me as a Vakil thereof.
T. V. VENKATACHALAN.

On or after the 18th November, I intend moving the High Court to enrol me as a Vakil thereof.
Mylapore, 16th September 1917.
S. TILAKDAS.

On or after the 18th November, I intend moving the High Court to enrol me as a Vakil thereof.
Mylapore, 1st October 1917.
M. B. KRISHNAMURTHI AYYAR.

On or after the 18th November, I intend moving the High Court to enrol me as a Vakil thereof.
Purmandalam, 6th October 1917.
H. KUMARATATACHA I.

On or before the 18th November, I intend moving the High Court to enrol me as a Vakil thereof.
Tingalur, 20th October 1917.
B. S. RAJA RAO.

On or after the 18th November, I intend moving the High Court to enrol me as a Vakil thereof.
Madras, 9th October 1917.
P. VEDARAGAVULU.

On or after the 18th November, I intend moving the High Court to enrol me as a Vakil thereof.
Tirupattur, 12th October 1917.
P. MARANDAVULU.

On or after the 18th November, I intend moving the High Court to enrol me as a Vakil thereof.
Mylapore, 10th October 1917.
A. KUPPUSWAMI AYYAR.

On or after the 20th November, I intend moving the High Court to enrol me as a Vakil thereof.
Mylapore, 14th October 1917.
E. INANDAVAN.

On or after the 20th November, I intend moving the High Court to enrol me as a Vakil thereof.
Tirupattur, 17th October 1917.
T. S. ANANTARAM AYYAR.

On or after the 27th November, I intend moving the High Court to enrol me as a Vakil thereof.
Mylapore, 18th October 1917.
B. RAJAKIM.

On or after the 27th November, I intend moving the High Court to enrol me as a Vakil thereof.
Mylapore, 18th October 1917.
V. S. VENKATRAMA AYYAR.

On or after the 18th November, I intend moving the High Court to enrol me as a Vakil thereof.
Egmore, 20th October 1917.
K. SRISIVASA RAO.

PARTNERSHIP NOTICE.

Our senior partner, Mr. Charles Gordon, having by mutual arrangement retired from our firm on 30th September last, his interest and responsibility passed on from that date.

The business will be carried on as hitherto by the remaining partners, Mr. Arthur J. Leach and Mr. Cecil A. H. M. Taylor, &c.

Madras, 18th October 1917.

T. A. TAYLOR & CO.

ESTATE OF WILLIAM BEAP (DECEASED).

THE Administrator General of Madras hereby gives notice that he is administering from the 8th October 1917 the estate of William Beap deceased, late of Paluram, under letters of Administration granted to him on the 7th September 1917 by the High Court of Madras and that all persons having claims against the said estate as creditors, next of kin, legatee or in any other manner whatsoever should prefer their claims to the said Administrator-General on or before the 10th November 1917 after which date he will proceed to make a distribution of the assets of the said estate and will recognise as such distribution only such claims as shall have previously been submitted to him for distribution.

Madras, 9th October 1917.

D. CHAMBER,
Acting Administrator-General.

INSOLVENCY PETITION.

No. 14 of 1917 (in the file of the District Judge's Court, Srirangam),
in the Court of the Official Receiver, Trichinopoly.

Solemnly affirms, one of Thiruv. Mathias, Madras, Tamil.

solely and
M. Mathias, Madras, Tamil.

Notice is hereby given that the above said petition for adjudication as insolvent will be heard by the Official Receiver on 14th November 1917, it having been transferred to him for disposal by the District Judge of Srirangam.

S. NARAYANASWAMI SWAMI.

Trichinopoly, 10th October 1917.

Filed for publication.

BANK OF MADRAS.

The following change in the Bank's staff is hereby notified:—

Mr. K. D. Low to take charge of the Madras branch during the temporary absence of Mr. A. C. Sankar.

(By order of the Directors)

W. E. HUNTER,
Secretary and Treasurer.

Madras, 17th October 1917.

METEOROLOGICAL RESULTS.

FROM THE MADRAS OBSERVATORY RECORDS.

DATE.	Barometer reduced to 32°.	TEMPERATURE				WIND.	MOON.				General remarks.
		Corrected Daily Means.		Observed Extremes.			Phase.		Altitude.		
		Dry.	Wet.	Max.	Min.		Setting.	Rising.	Full.	Partial.	
20th Sunday.	29.83	84.0	79.0	84.0	78.0	11.0	W. by S.	SE.	24	0.4	General Thunder.
21st Monday.	29.82	84.0	79.0	84.0	78.0	11.0	W. by E.	SE.	24	0.4	Thunder.
22nd Tuesday.	29.82	79.1	78.0	79.0	78.0	11.0	W. by E.	SE.	24	0.4	Thunder.
23rd Wednesday.	29.82	79.1	78.0	79.0	78.0	11.0	W.	SE.	24	0.4	Thunder.
24th Thursday.	29.82	79.1	78.0	79.0	78.0	11.0	W.	SE.	24	0.4	Thunder.
25th Friday.	29.82	79.1	78.0	79.0	78.0	11.0	W.	SE.	24	0.4	Thunder.
26th Saturday.	29.82	79.1	78.0	79.0	78.0	11.0	W. by W.	SE.	24	0.4	Thunder.
27th Sunday.	29.82	79.1	78.0	79.0	78.0	11.0	W.	SE.	24	0.4	Thunder.

The Standard Barometer and Thermometer are read at 8 a.m., 10 a.m., 1 p.m., and 4 p.m., and the daily means are obtained by the application of hourly corrections, deduced from twenty years' observations. The column of the Barometer is twenty-two feet above the level of the sea, and the column of the Rain Gauge is ten feet from the ground. The wind, rain and general weather registered are for the current Civil Day—from midnight to midnight.

The total quantity of rain collected since January 1st, 1917 is 11.11 inches, the average due for the same period being 25.00 inches.

R. L. JONES,
Deputy Director.

Madras Observatory, 25th October 1917.



SUPPLEMENT TO PART II

OF

THE FORT ST. GEORGE GAZETTE.

No. 43.]

MADEIRA, TUESDAY EVENING, OCTOBER 23, 1917.

[Price, 6 pias.]

SEASON REPORT FOR SEPTEMBER 1917.

Series I.—Statement showing the average fall of rain in each station during the month of September 1917, and also the total fall from 1st April 1917, up to the month, compared with the corresponding figures of the preceding year and with the averages of the forty years ending 1906.

Station.	Average for forty years			1906-1917.			1917-1918.		
	In the month.		From 1st April to end of month.	In the month.		From 1st April to end of month.	In the month.		From 1st April to end of month.
	Rainy days.	Rainfall.		Rainy days.	Rainfall.		Rainy days.	Rainfall.	
1	2	3	4	5	6	7	8	9	10
Quercus—	pt.	107.000.	100.000.	pt.	107.000.	100.000.	pt.	100.000.	100.000.
1. Sanjoan *	11	2.27	41.14	24	7.91	33.45	15	10.34	45.99
2. Vinçapim (Agua da Moura)	10	8.84	43.27	20	8.77	32.13	12	3.03	31.08
3. Vinçapim	10	7.76	54.47	5	8.69	33.55	11	5.05	33.00
4. S. Sebastião *	8	7.17	29.01	8	7.06	44.00	10	11.05	47.06
5. S. Sebastião *	8	5.56	33.38	3	6.55	37.95	16	11.94	47.02
6. S. Sebastião *	8	5.10	21.58	7	5.22	23.40	10	7.71	37.99
Quercus—	pt.	0	0.00	0	0.00	0.00	10	0.00	0.00
7. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
8. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
9. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
10. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
Quercus—	pt.	0	0.00	0	0.00	0.00	10	0.00	0.00
11. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
12. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
13. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
14. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
15. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
16. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
17. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
18. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
19. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
20. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
21. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
22. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
23. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
24. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
25. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
26. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
27. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
28. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
29. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
30. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
31. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
32. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
33. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
34. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
35. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
36. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
37. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
38. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
39. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
40. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
41. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
42. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
43. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
44. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
45. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
46. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
47. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
48. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
49. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02
50. S. Sebastião *	8	6.98	12.00	3	5.84	21.70	10	11.94	47.02

* Arrangement for 45 years ending 1904.

† Excluding Tuesday.

‡ Excluding Wednesday.

21-50-1

TABLE III.—*Continued* showing the average prices of the principal food-grains and oil for the month of September 1917

Group	District	Prices of Imported Goods at 40 Tons per Month						
		Wheat, second cut.			Rice			
		In the previous month.	In the month.	Average.	In the previous month.	In the month.	Average.	
1	2	3	4	5	6	7	8	9
1. Ceres	1. Ceres	8.8	7.0	7.9	28.8	10.1	10.1	
	2. Vagapalan	8.8	7.4	8.1	27.8	29.4	10.1	
	3. Goharal	8.8	7.0	7.9	14.0	28.8	10.1	
	4. Borneo	8.8	7.0	7.9	12.4	29.7	10.1	
2. Dunes	1. Dunes	7.7	7.0	7.3	15.5	20.0	10.1	
	2. Borneo	7.0	7.2	7.1	30.9	19.0	10.1	
	3. Amangin	8.8	7.0	7.9	34.5	10.2	10.1	
	4. Goharal	7.7	7.0	7.3	19.4	10.1	10.1	
3. Goharal	1. Goharal	8.8	7.0	7.9	12.7	29.4	10.1	
	2. Borneo	8.8	7.0	7.9	10.1	20.1	10.1	
	3. Amangin	8.8	7.0	7.9	10.1	20.1	10.1	
	4. Goharal	8.8	7.0	7.9	10.1	20.1	10.1	
4. Goharal	1. Goharal	8.8	7.0	7.9	10.1	20.1	10.1	
	2. Borneo	8.8	7.0	7.9	10.1	20.1	10.1	
	3. Amangin	8.8	7.0	7.9	10.1	20.1	10.1	
	4. Goharal	8.8	7.0	7.9	10.1	20.1	10.1	
5. Goharal	1. Goharal	8.8	7.0	7.9	10.1	20.1	10.1	
	2. Borneo	8.8	7.0	7.9	10.1	20.1	10.1	
	3. Amangin	8.8	7.0	7.9	10.1	20.1	10.1	
	4. Goharal	8.8	7.0	7.9	10.1	20.1	10.1	
6. Borneo	1. Borneo	8.8	7.0	7.9	10.1	20.1	10.1	
	2. Borneo	8.8	7.0	7.9	10.1	20.1	10.1	
	3. Borneo	8.8	7.0	7.9	10.1	20.1	10.1	
	4. Borneo	8.8	7.0	7.9	10.1	20.1	10.1	
7. West Coast	1. West Coast	8.8	7.0	7.9	10.1	20.1	10.1	
	2. West Coast	8.8	7.0	7.9	10.1	20.1	10.1	
	3. West Coast	8.8	7.0	7.9	10.1	20.1	10.1	
	4. West Coast	8.8	7.0	7.9	10.1	20.1	10.1	
8. Borneo	1. Borneo	8.8	7.0	7.9	10.1	20.1	10.1	
	2. Borneo	8.8	7.0	7.9	10.1	20.1	10.1	
	3. Borneo	8.8	7.0	7.9	10.1	20.1	10.1	
	4. Borneo	8.8	7.0	7.9	10.1	20.1	10.1	

Remarks.—As compared with the previous month, the price of rice was stationary in five districts, rose in twelve and fell in eight; sugar was stationary in eight districts, rose in six and fell in seven; wheat was stationary in four districts, rose in seven and fell in eleven; Borneo was stationary in two districts, rose in four and fell in twelve; oil was stationary in two districts, rose in three and fell in seven.

* In the first year ending 1916-17. † Of the year from 1916-17. ‡ Average of white and pink rice.
§ Includes West Coast. † Includes West Coast. (a) Not reported.

Board of Revenue (H. S. Sur, L. S. Sur, & Agri.),
Madras, 2nd October 1917.

P. SARAYANA MEMON,
Deputy Secretary.



SUPPLEMENT TO PART II
OF
THE FORT ST. GEORGE GAZETTE

W. 45.7

MADEAS, TUESDAY EVENING, OCTOBER 23, 1917.

(Trans. 4, 2004)

ABSTRACT OF SEASON REPORTS FOR THE WEEK ENDING
-20TH OCTOBER 1917.

DISTINCT SUPPORTS

GANTAM.

Water supply sufficient. *Brachiaria ruziziensis* 40-5 feet. Savala 12-15 feet. Rowing of kormas, proven grasses dominating and weeding of paddy proceeding in parts. Shifting orange hue. Harvested grain, gingerly, paddy, greenish, black green; various. Soil. Fallow sufficient. Fallow available except in two taluks. Condition of cattle generally good. Employment available. Grain stocks sufficient. *Prosopis* low.

VIZAGAPETAM

Water supply sufficient. Seeding of tobacco, and herbage in pastures in seedling of alfalfa, rape, clover, peas, vetch, and green grass. Transplantation of tobacco, alfalfa and herbage grass growing. Standing rape thickets. Harvested green grass, black grass, groundnut, pea, paddy, cotton, sorghum, rice. Pigeon peas, cotton, rubber available. Conditions of some good. Employment available. Grass-stocks sufficient. Prospects fair.

INDICATORS

[illegible]

SE LISTING A

Water supply sufficient. Eucalypt 25 feet above ground. Fencing; transplantation of eucalypt and eucalypt planting; weeding available. Standing crops fair. Harvested (sorghum, rice, wheat, maize, grapes, cotton, etc.). Pasture sufficient. Fodder available. Goodness of water generally good but not sufficient for one lot. Employment available. Grain stocks sufficient. Prospects fair.

ABSTRACT

Water supply sufficient. Thrashing; sowing of wheat, cotton, alfalfa, beans, peas, and a transplantation of cotton and soybeans. Shading crops fair to good. Harvested paddy, beans, and cotton fair; cotton and soybeans fair to average, mostly fair. Pasture generally sufficient, but cotton is scarce, and some is overstocked. Conditions of cattle generally good, but overstocked, and significant territorial rivalry in parts. Employment available. Grain stocks sufficient. Prospects fair.

EUBIOLOG

[illegible]

SANDHILL WILSON PHOTOLITH

Wheat supply sufficient. Sowing of clover, lucerne and wheat proceeding. Pasture crops good. Pasture sufficient. Fodder available. Conditions of soils generally good. Employment available. Grain stocks sufficient. Prospects fair.

BELLARY.

Water-supply sufficient. Sowing of cotton, paddy, oil-seeds, cholam, horse, Bengalgram and wheat and weeding proceeding. Standing crops fair to good. Harvested cotton, horse, indigo, sesam, and gingelly, cottons (not reported). Pasture sufficient; fodder available. Condition of cattle (not reported) but widespread parasite in two villages, but not disease (unreported) in two others. Employment available. Sufficiency of grain-stocks not reported. Prospects fair.

BANDUR.

Water-supply sufficient. Weeding of cotton and horse proceeding. Standing crops good. Pasture sufficient; fodder scarce. Condition of cattle fair. Employment available. Grain-stocks sufficient. Prospects fair.

ANANTAPUR.

Water-supply sufficient. Sowing of paddy and bengalgram continuing. Weeding of paddy proceeding at concluding. Standing crops fair. Harvested ragi; cottons fair. Pasture sufficient; fodder available. Condition of cattle generally good but widespread parasite in parts of four taluks. Employment available. Grain-stocks sufficient. Prospects fair.

CHUDAPAH.

Water-supply sufficient. Eight fathoms of canal water. Ploughing; sowing of paddy, ragi and bengalgram; transplantation of paddy and weeding of paddy, cholam and groundnut proceeding. Standing crops fair. Harvested ragi, cholam, sesam, horse and indigo; cottons fair to normal. Pasture sufficient; fodder available except in one taluk. Condition of cattle generally good, but widespread parasite in parts of one taluk. Employment available. Grain-stocks sufficient. Prospects fair.

NELLORE.

Water supply generally sufficient. The maximum depth of water over the Nellore and Sangam canals was 12 ft. and 11 ft., respectively. The supply in the Sangam reservoir is adequate. Ploughing; sowing of paddy, ragi and cholam, transplantation of paddy and weeding proceeding. Standing crops fair to good. Harvested paddy and ragi; cottons fair to normal. Pasture sufficient; fodder available. Condition of cattle generally good but widespread parasite in one village, and widespread parasite in another. Employment available. Grain-stocks sufficient. Prospects good.

CHINGELUP.

Water-supply sufficient. Ploughing; sowing, transplantation and weeding of paddy proceeding. Standing crops fair. Harvested paddy, ragi, indigo, gingelly, and sesam; cottons fair. Pasture sufficient; fodder available. Condition of cattle generally good but widespread parasite in one village, widespread parasite in another and disease (unreported) in two others. Employment available. Grain-stocks sufficient. Prospects fair.

MADRAS.

Grain-stocks sufficient. Employment available.

SOUTH ARCOT.

Water-supply sufficient except in two taluks and in parts of another. Ploughing; sowing; raising of paddy and sorghum, transplantation of paddy and weeding of paddy, sorghum, ragi and groundnut proceeding. Standing crops fair. Harvested ragi, gingelly, indigo, groundnut, sesam and ragi; cottons fair. Pasture sufficient; fodder available. Condition of cattle generally good. Employment available. Grain-stocks sufficient. Prospects generally fair.

CHITTOOR.

Water-supply sufficient except in parts. Ploughing; sowing of paddy, ragi, groundnut and bengalgram proceeding at concluding; transplantation and weeding of paddy proceeding in parts. Standing crops fair. Harvested paddy, ragi, cholam, sesam, indigo, sesam, horse and groundnut; cottons fair to normal. Pasture generally sufficient; fodder generally available. Condition of cattle generally good. Employment available. Grain-stocks generally sufficient. Prospects generally fair.

NORTH ARCOT.

Water-supply sufficient except in parts of three taluks. Ploughing; sowing of paddy proceeding; of bengalgram commencing; transplantation and weeding of paddy proceeding. Standing crops good. Harvested paddy, ragi, groundnut, gingelly and ragi; cottons generally fair. Pasture sufficient; fodder available. Condition of cattle generally good but widespread parasite in parts of two taluks. Employment available. Grain-stocks sufficient. Prospects generally fair.

SALER.

Water-supply sufficient except in parts of one taluk. Ploughing; sowing of bengalgram commencing; of paddy, horse, gram and Bengalgram proceeding; transplantation of paddy commencing or proceeding; of bengalgram commencing or concluding in parts. Standing crops fair to good. Harvested cotton, paddy, ragi and horse, cottons fair; groundnut and sesam, ragi and indigo, normal. Pasture sufficient; fodder available. Condition of cattle generally good but widespread parasite in one taluk. Employment available. Grain-stocks sufficient. Prospects fair.

COIMBATORE.

Water-supply generally sufficient except where and channel. Eight fathoms of canal water. Eastern end of water in the Chavay in Erida. Sowing of paddy, cholam, sesam, cotton, bengalgram and pulses and transplantation of paddy and ragi proceeding. Standing crops fair. Harvested paddy and sesam, cottons normal, ragi, fair to normal, widespread parasite in parts. Pasture sufficiently better generally available. Condition of cattle generally good. Employment available. Grain-stocks sufficient. Prospects generally fair.

TRICHINAPOLY.

Water-supply sufficient. Harvest of rice in the third season. Sowing of paddy and horsegram and transplantation of paddy and sugarcane in parts. Standing crops fair. Harvested paddy, sugarcane, cotton, and groundnut; cotton fair to good. Pasture sufficient; fodder available. Condition of cattle good. Employment available. Grain-stocks sufficient. Prospects fair.

TANJORE.

Water-supply generally sufficient. Height of water over the mean of the northern and southern branches of the Lower Aikav 7.8 feet. Transplantation of paddy proceeding or awaiting in parts. Standing crops generally fair. Harvested paddy, sugarcane and groundnut; cotton fair. Pasture sufficient; fodder available. Condition of cattle generally good. Employment available. Grain-stocks sufficient. Prospects generally fair.

TUDUKOTTAI.

Water-supply sufficient. Sowing of horsegram and transplantation of paddy proceeding. Standing crops fair. Harvested paddy, sugarcane and cotton; cotton fair. Pasture sufficient; fodder available. Condition of cattle good. Employment available. Grain-stocks sufficient. Prospects fair.

MADRAS.

Water-supply sufficient except in parts. Average discharge in the Palar at about 1,000 cusecs. Ploughing; sowing of cotton and pulses and transplantation of paddy and sugarcane proceeding in parts. Standing crops fair but require more rain in one block. Harvested paddy, sugarcane and cotton; cotton fair. Pasture sufficient; fodder available. Condition of cattle generally good but maligned one third generally in one village and cattle disease (unspecified) prevails in two villages. Employment available. Grain-stocks generally sufficient. Prospects good.

MAHAB.

Water-supply sufficient except in parts. Ploughing; sowing; sowing of sugarcane, cotton, millets, sorghum, cotton and cotton proceeding or awaiting; all cotton, pulses and paddy proceeding; of cotton, groundnut and other crops awaiting; planting of plantains and banana proceeding; transplantation of paddy, sugarcane and cotton proceeding; and sugarcane proceeding. Standing crops fair to good. Harvested paddy and cotton; cotton fair, of sugarcane. Pasture sufficient; fodder available. Condition of cattle generally good. Employment available. Grain-stocks sufficient. Prospects fair.

TIRUNELVELY.

Water-supply sufficient. No fire since the Sivakamiam subject but discharge adequate. Ploughing; sowing of cotton and paddy and transplantation of paddy proceeding. Standing crops good. Harvested paddy; cotton fair. Pasture scanty; fodder available. Condition of cattle good. Employment available. Grain-stocks sufficient. Prospects fair but more rain needed in parts.

MALABAR.

Water-supply sufficient. Standing crops fair. Paddy harvest proceeding; cotton not reported. Pasture sufficient; fodder available. Condition of cattle fair. Employment available. Grain-stocks sufficient. Prospects fair.

SOUTH KANARA.

Water-supply sufficient. Ploughing; sowing for second rice crop proceeding. Standing crops fair. Harvested first rice crop; cotton fair to good. Pasture sufficient; fodder available. Condition of cattle generally good but water-borne germs in one village. Employment available. Grain-stocks sufficient. Prospects fair.

TRAVANCORE.

Water-supply and pasture sufficient. Sowing complete. Condition of cattle good.

COCHIN.

Water-supply sufficient. Harvested paddy; cotton fair. Standing crops fair. Pasture sufficient; fodder available. Condition of cattle generally good.

THE NIDINGS.

Water-supply sufficient. Pruning and weeding of cane crops and sowing proceeding. Standing crops fair. Harvested rice and cotton; cotton fair. Pasture sufficient; fodder available. Condition of cattle fair. Employment available. Grain-stocks sufficient. Prospects fair.

MEMORANDUM TO THE GOVERNMENT OF INDIA, REVENUE AND AGRICULTURAL DEPARTMENT, MADRAS.

Work ending 25th October 1917.—Rainfall very heavy Madras; fair Anantapur; good or heavy elsewhere. Standing crops fair to good generally but rain is required in parts of two districts. Harvests of paddy, sugarcane and dry crops proceeding normally; cotton fair to normal generally. Sowings of paddy and dry crops proceeding normally. Condition of cattle generally good. Water-supply sufficient except in parts of South Arcot, Central except Trichinopoly, Madras and Mahab. Pasture sufficient except in one district. Fodder generally available. Prices steady.

BOARD OF REVENUE
(K.R. SIV., L. RAO & AGRI.)
MADRAS, 25th October 1917.

P. NARAYANA MENON,
Acting Secretary.

RAINFALL AND PRICES OF THE STAPLE FOOD-GRAINS FOR THE WEEK ENDING 23RD OCTOBER, 1917.

Districts.		KURNAUL IN JUNE.				Rains in Kurna for 16 years 1844-1859.												
		In the week.		Up to (closed at the week from 1st April).		Rise.		Fall.		Chillies.		Grains.						
		1857.	Average of 16 years ending 1856.	1857.	Average of 16 years ending 1856.	Amount for October.	Less week.	1857.	Average for October.	1857.	16 years.	Amount for October.	Less week.	1857.	Average for October.	1857.	16 years.	
Crisian.	Barang.	1.8	1.9	55.1	41.8	8.6	10.2	10.8	10.2	10.6
	Tingapawan.	2.0	1.1	60.2	46.0	5.2	6.6	6.4	36.6	17.3	27.6	..	20.6	10.6	10.9	31.6	10.6	
	Goldswell.	0.6	1.6	51.5	29.8	5.6	6.2	6.1	17.2	14.0	10.4	14.5	11.5	11.0	..	10.5	10.6	
	Kietia.	3.6	3.2	47.2	27.0	..	..	..	16.2	14.2	14.5	11.5	11.0	..	10.5	10.6	10.6
	Gaucho.	2.4	1.0	35.9	24.6	9.3	7.7	7.4	..	16.0	15.0	15.0	10.0	12.1	10.4	10.6	10.6	
Daman.	Barang.	1.7	0.8	34.9	20.9	9.1	7.8	7.6	..	12.6	12.8	10.6	11.3	11.7	8.5	12.1	12.1	
	Barangpalle.	1.6	1.6	28.4	12.4	..	6.6	6.6	..	..	..	..	..	..	..	10.0	10.0
	Pellory.	2.0	2.8	24.7	10.2	8.4	3.7	7.2	..	10.0	10.6	17.4	14.0	14.0	..	..	..
	Barang.	7.0	1.6	36.0	19.6	..	3.0	7.6	..	..	..	..	15.0	15.0	..	10.2	10.2
	Amalapat.	0.3	1.0	34.6	18.2	9.5	8.5	10.6	14.8	17.0	15.8	15.0	15.0	7.8	15.0	15.0	15.0	
Caravela.	Barangpalle.	0.6	1.7	37.2	17.5	10.4	6.5	6.6	10.6	13.6	10.6	10.6	10.1	12.1	10.0	12.6	11.4	
	Madras.	0.6	1.7	38.2	18.6	8.9	6.8	6.7	10.6	10.6	10.6	10.6	..	..	..	..	..
	South Coast.	20.2	2.0	36.6	13.1	2.8	7.1	7.1	10.6	10.2	12.2	..	..	..	..	..	..
	Chiloor.	0.0	1.0	21.0	12.7	6.1	6.1	6.2	7.0	10.6	10.6	10.6	..	..	..	10.6	10.6
	North Coast.	0.7	1.3	25.8	10.7	6.6	6.6	6.6	17.6	14.6	10.1	..	..	..	..	10.5	10.6
Wair Coast.	Barang.	3.0	1.0	24.1	12.0	6.6	6.6	6.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	
	Barang.	2.0	1.2	26.6	17.0	6.6	6.6	6.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	
	Barangpalle.	0.3	1.7	25.6	14.0	6.0	6.0	7.0	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	
	Barang.	0.1	1.7	25.6	14.0	6.0	6.0	7.0	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	
	Barangpalle.	0.1	1.7	25.6	14.0	6.0	6.0	7.0	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	
Hind.	Barang.	0.1	1.0	20.0	10.0	6.0	6.0	6.0	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	
	Barangpalle.	0.1	1.0	20.0	10.0	6.0	6.0	6.0	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	
	Barang.	0.1	1.0	20.0	10.0	6.0	6.0	6.0	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	
	Barangpalle.	0.1	1.0	20.0	10.0	6.0	6.0	6.0	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	
	Barang.	0.1	1.0	20.0	10.0	6.0	6.0	6.0	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	
Wair Coast.	Barangpalle.	0.1	1.0	20.0	10.0	6.0	6.0	6.0	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	
	Barang.	0.1	1.0	20.0	10.0	6.0	6.0	6.0	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	
	Barangpalle.	0.1	1.0	20.0	10.0	6.0	6.0	6.0	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	
Hind.	Barang.	0.1	1.0	20.0	10.0	6.0	6.0	6.0	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	
	Barangpalle.	0.1	1.0	20.0	10.0	6.0	6.0	6.0	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6	

A. in Agency

A. in District

* Average of the 16 years ending 1856.

† Average of 16 years.

[a] Derived by Ave.

¹ P. J. F. YONG ET AL., *ORGANIC CHEMISTRY* [OCT. 22, 1967]



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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

Bills introduced in the Indian Legislative Council, Reports of Select Committees, presented to the Council, and Bills published under Rule 23.

The following Bill was introduced in the Indian Legislative Council on the 23rd September 1897:—

No. 23 of 1897.

A Bill further to amend the Code of Criminal Procedure, 1898, and the Courts-fees Act, 1870.

Note.—(a) The additions to, or alterations of, the Bill as introduced which the Committee recommended are printed in italics.

(b) The clauses of the Bill as revised by the Committee have been re-numbered but the marginal references in square brackets indicate the original clauses as referred to in the Report of the Committee.

Whereas it is expedient further to amend the Code of Criminal Procedure, 1898, and the Courts-fees Act, 1870; It is hereby enacted as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1897.

2. In section 10 of the Code of Criminal Procedure, 1898 (hereinafter called the said Code),—

(i) In sub-section (2), the words "for a period not exceeding six months" shall be omitted and after the words "under this Code", the words "or under any other law for the time being in force" shall be inserted.

(ii) After sub-section (2), the following sub-section shall be added, namely:—

"(3) For the purposes of sections 152 and 407 (2), each Additional District Magistrate shall be deemed to be subordinate to the District Magistrate."

T of 1898
V of 1897

T of 1898

T of 1898

T of 1898

T of 1898

T of 1898

T of 1898

T of 1898

T of 1898

T of 1898

T of 1898

T of 1898

CL 4, 18 (2).
(C. 1.)
Amendment of
section 18, Code of
Criminal Procedure,
1908.
CL 4, 18 (3).

(CL 6.)
Amendment of
section 11, Code of
Criminal Procedure,
1908.

(CL 6.)
Amendment of section
42, Code of Criminal
Procedure, 1908.

(CL 8.)
Amendment of
section 18, Code of
Criminal Procedure,
1908.

XLV of 1909.

(CL 8.)
Amendment of
section 18, Code of
Criminal Procedure,
1908.

(CL 1.)
Amendment of
section 44, Code of
Criminal Procedure,
1908.

(CL 1.)
Amendment of
section 44, Code of
Criminal Procedure,
1908.

(CL 4.)
Amendment of section
11, Code of Criminal
Procedure, 1908.

(CL 4.)
Amendment of section
42, Code of Criminal
Procedure, 1908.

(CL 1.)
Amendment of
section 18, Code of
Criminal Procedure,
1908.

Amendment by private
person.

3. After sub-section (2) of section 18 of the said Code, the following sub-sections shall be added, namely:—

"(3) A Presidency Magistrate may be appointed under this section for each term as the Local Government may, by general or special order, direct.

"(4) The Local Government may appoint any Presidency Magistrate to be an Additional Chief Presidency Magistrate, and such Additional Chief Presidency Magistrate shall have all or any of the powers of a Chief Presidency Magistrate under this Code or under any other law for the time being in force, as the Local Government may direct."

4. In sub-section (2) of section 21 of the said Code, after the words "Presidency Magistrates" the words "including Additional Chief Presidency Magistrates" shall be inserted.

5. In sub-section (1) of section 22 of the said Code, after the words "provisions of" the words and figures "section 19 and" shall be inserted.

6. (1) In section 33 of the said Code:—

(a) In sub-section (1), for the words "When a person is convicted at one trial of two or more distinct offences, the Court may," the following shall be substituted, namely:—

"When a person is convicted at one trial of two or more offences, the Court may, subject to the provisions of section 31 of the Indian Penal Code,"

(b) In sub-section (2), for the word "aggregate" the words "the aggregate of sentences" shall be substituted.

(2) The *Explanation* and *Illustration* in this section are hereby repealed.

7. In section 40 of the said Code, for the word "transferred", in both places where it occurs, the word "appointed" shall be substituted, and the words "continue to" shall be inserted.

8. In sub-section (2) of section 66 of the said Code:—

(a) After the figures "148" the figures "231, 232, 233, 234, 235, 236, 237, 238," shall be inserted, and

(b) for the word and figures "and 400" the figures, letters and word "400, 409A, 409B, 409C and 409D" shall be substituted.

9. In section 45 of the said Code:—

(1) In sub-section (1):—

(a) For the word "obtain" the words "person so obtain" shall be substituted;

(b) To clause (d), after the words "supplies in substance," the following words shall be added, namely:—

"or the discovery in or near such village of any weapon or part of a weapon, in circumstances which lead to a reasonable suspicion that such a death has occurred; or the discovery from such village of any person in circumstances which lead to a reasonable suspicion that an offence has been committed in respect of such person."

(2) In clause (e), after the word "namely," the figures "231, 232, 233, 234, 235, 236, 237, 238," shall be inserted and for the word and figures "and 400" the figures letters and word "400, 409A, 409B, 409C and 409D" shall be substituted.

(3) In sub-section (2), after the words "District Magistrate," the words "or Sub-District Magistrate" shall be inserted.

10. (1) In sub-section (1), *End. of section 55 of the said Code, after the words "so concerned" the following shall be added, namely:—*

"as far as may be a requisition has been received from a police officer who might lawfully have made the arrest himself."

(2) After sub-section (2) of the same section the following sub-section shall be added, namely:—

"(3) The term "police-officer" in this section shall be deemed to include such village officers as may be either generally or specially authorized by the Local Government in this behalf."

11. In sub-section (2) of section 56 of the said Code, after the words "police station" the words "as any police officer meeting an investigation under Chapter XIV" shall be inserted.

12. For sub-section (7) of section 66 of the said Code, the following sub-section shall be substituted, namely:—

"(B) Any private person may arrest any person who in his view commits a non-bailable and cognizable offence, or any proclaimed offender, and shall, without unnecessary delay, make over any person so arrested to a police-officer, or, in the absence of a police-officer, shall take such person or cause him to be taken in custody to the nearest police-station."

13. After sub-section (5) of section 38 of the said Code, the following sub-sections shall be inserted, namely:—

(Cl. 31.)
Amendment of
section 38, Code of
Criminal Procedure,
1909.

"(5a) If any claim is preferred to, or objection made to the attachment of, any property under this section within six months from the date of such attachment, by any person other than the proclaimed person, on the ground that the document or objection has an interest in such property and that such interest is not liable to attachment under this section, the Court shall investigate the claim or objection and may allow or disallow it in whole or in part:

Amendment of
section 38, Code of
Criminal Procedure,
1909, Cl. 31, sub
31.

"Provided (a) that no such investigation shall be made if in the opinion of the Court the claim or objection has been negligently or unnecessarily delayed; and

(b) that any claim preferred or objection made within the period allowed by this sub-section may, in the event of the death of the claimant or objector, be continued by his legal representative.

"(5b) Claims or objections under sub-section (5a) may be preferred or made in the Court by which the order of attachment is issued, or if the claim or objection is in respect of property attached under an order endorsed by a District Magistrate or Chief Presidency Magistrate in accordance with the provisions of sub-section (2), in the Court of such Magistrate.

"(5c) Any person whose claim or objection has been disallowed in whole or in part by an order under sub-section (5a) may, within a period of one year from the date of such order, institute a suit to establish the right which he claims in respect of the property in dispute; but subject to the result of such suit, if any, the order shall be conclusive."

14. (2) In sub-section (1) of section 108 of the said Code, after the words "offence the search" the following shall be inserted, namely:—

(Cl. 14.)
Amendment of
section 108, Code of
Criminal Procedure,
1909.

"and may, if necessary, issue an order in writing to them or any of them as to do."

(3) After sub-section (4) of the same section the following sub-section shall be added, namely:—

"(5) Any person who, without reasonable cause, refuses or neglects to attend and witness a search under this section, when called upon to do so by an order in writing, shall be deemed to have committed an offence under section 187 of the Indian Penal Code."

15. In section 108 of the said Code—

CLV of 1909.

(1) In sub-section (1), for the word "noting" the following words shall be substituted, namely, "any offence punishable under Chapter VIII of the Indian Penal Code, or of " and the words "or of committing armed men or taking other unlawful measures with the evident intention of committing the same" shall be omitted.

(Cl. 15.)
Amendment of
section 108, Code of
Criminal Procedure,
1909.

(2) In sub-section (2), after the words "Appellate Court" the words "including a Court hearing appeals under section 407" shall be inserted.

CLV of 1909.

16. In sub-section (4) of section 107 of the said Code for the words "this section" the words, figure and sign "sub-section (2)" shall be substituted, and for the words "until the completion of the inquiry hereinafter prescribed" the words "pending further action by himself under this Chapter" shall be substituted.

(Cl. 16.)
Amendment of section
107, Code of Criminal
Procedure, 1909.

17. In section 108 of the said Code, after the words "in writing," the words "or in any other manner" shall be inserted, and after the figure "187" the words "with reference to any matter comprised in such publication" shall be inserted.

(Cl. 16.)
Amendment of
section 108, Code of
Criminal Procedure,
1909.

18. In section 210 of the said Code—

(Cl. 16.)

(1) In clause (a), the word "or", where it first occurs, shall be omitted, and, after the word "that" the words "or forget" shall be inserted.

Amendment of
section 210, Code of
Criminal Procedure,
1909.

(2) For clause (d) the following clause shall be substituted, namely:—
"(d) habitually commits the offence of kidnapping, extortion, cheating or mischief or any offence punishable under Chapter XIII of the Indian Penal Code, or habitually attempts to do so, or"

CLV of 1909.

19. In section 117 of the said Code—

(Cl. 16.)

(1) In sub-section (2), after the word "found", the words "nor shall any witness be recalled for cross-examination, except with the permission of the Court" shall be inserted.

Amendment of
section 117, Code of
Criminal Procedure,
1909.

(2) After sub-section (2), the following sub-section shall be inserted:—

"(3) Pending the completion of the inquiry under sub-section (2), the Magistrate, if he considers that immediate measures are necessary for the preservation of a breach of the peace or disturbance of the public tranquillity, or the commission of any offence, or for the public safety, may, for reasons to be recorded in writing direct the person in respect of whom the order under section 112 has been made to execute a bond, with or

without security, for keeping the peace until the conclusion of the inquiry, and any distress him in custody until such bond is returned or, in default of security, until the inquiry is concluded:

Provided that the conditions of such bond, whether as to amount or as to the number of the articles or the nature of their liability, shall not exceed those specified in such order.

(4g) Sub-section (3) shall be re-numbered (4), and after the words "habitual offender" in the said sub-section, the words "or is an desperate and dangerous as in reader his being at large without security hazardous to the community" shall be inserted, and the words "or otherwise" shall be omitted.

(4i) Sub-section (4) shall be re-numbered (4).

20. For section 125 of the said Code, the following section shall be substituted, namely:—

"125. (7) A Magistrate may refuse to accept any security offered under this Chapter on the ground that such security is an unjust given for the purpose of the bond:

Provided that, before refusing so to do, he shall make himself hold an inquiry as to the fitness of the security, or cause such inquiry to be held and a report to be made thereon by a Magistrate subordinate to him.

(7) In every such inquiry the Magistrate holding the same shall record the substance of the evidence adduced before him.

(7) If the Magistrate by whom the order for security was made is satisfied, after considering the evidence so adduced either before him or before a Magistrate deputed under sub-section (7), and the report of such Magistrate, (if any) that the security is an just given for the purpose of the bond, he shall make an order referring to accept such security and recording his reasons for so doing."

21. After sub-section (3) of section 125 of the said Code, the following sub-sections shall be inserted, namely:—

"(3a) If security has been required in the course of the same proceedings from two or more persons in respect of any one of whom the proceedings are referred to the Sessions Judge or the High Court under sub-section (3), such references shall also include the case of any other of such persons who has not given the security ordered to be given by him, and the provisions of sub-sections (2) and (3) shall, in that event, apply to the case of such other persons also, except that the period (if any) for which he may be imprisoned shall not exceed the period for which he was ordered to give security."

"(3b) A Sessions Judge may in his discretion transfer any proceedings laid before him under sub-section (2) or sub-section (3a) to an Additional Sessions Judge, or Assistant Sessions Judge, and upon such transfer, such Additional Sessions Judge, or Assistant Sessions Judge may exercise the powers of a Sessions Judge under this section in respect of such proceedings."

22. For section 126 of the said Code the following section shall be substituted, namely:—

"126. (4) Whenever a District Magistrate, a sub-divisional Magistrate, or a Magistrate of the first-class, considers as requiring a police report or other information and on taking such evidence (if any) as he thinks fit,

that any unlawful obstruction or nuisance should be removed from any way, road or channel which is or may be lawfully used by the public, or from any public place, or that the exercise of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated, or that such goods or merchandise should be removed, or the trespass thereof regulated, or

that the construction of any building, or the disposal of any substance, or likely to occasion contamination or annoyance, should be prevented or stopped, or

that any building, tent or structure, or any tree, is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying in business in the neighbourhood or passing by, and that in consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree is necessary, or

that any tank, wall or enclosure adjacent to any such way or public place should be removed in such manner as to prevent danger arising to the public, or

that any dangerous animal should be destroyed, confined or otherwise disposed of, such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade, or occupation, or keeping on such goods or merchandise, or causing, purchasing or controlling such building, tent, tree, wall, enclosure, tank well or enclosure, or causing or preventing such animal or tree, building or tree to be felled in the order,

to remove such obstruction or nuisance, or to destroy from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation, or

(CL 12.)
Amendment of
section 125, Code of
Criminal Procedure,
1898.

Power to report
Security.

(CL 18.)
Amendment of
section 125, Code of
Criminal Procedure,
1898.

(CL 22.)
Amendment of
section 126, Code of
Criminal Procedure,
1898.

Conditional order
for removal of
obstruction.

to remove such goods or merchandise, or to regulate the keeping thereof on such premises as may be directed; or
 to prevent or stop the erection of, or to remove, repair or support such building, part or structure; or
 to remove or support such tree; or
 to alter the disposal of such substance; or
 to fence such track, wall or enclosure, as the case may be; or
 to destroy, remove or dispose of such dangerous animal in the manner provided in the said order; or, if he objects as to do;

to appear before himself or some other Magistrate of the first or second class at a time and place to be fixed by the order, and move to have the order set aside or modified in the manner hereinafter provided.

(2) No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

Explanation.—A "public place" includes also property belonging to the State, company grounds and grounds left unoccupied for sanitary and recreative purposes.

23. (1) Section 134 of the said Code shall be re-numbered 134 (1), and—

(i) In clause (a) of the said section, as re-numbered, after the words "within the house" the words "and in the manner" shall be inserted.

(ii) In clause (b) of the said section, as re-numbered, for the words "and in the manner" the words "in the manner directed by the Magistrate to be taken care of" shall be substituted.

(2) After the said clause of the said section the following sub-section shall be added, namely:—

"(3) If, on showing cause, the person against whom the order was made denies the existence of any public right in respect of any way, river, channel or place referred to therein, the Magistrate shall invite into the question, and his decision shall, for the purpose of proceedings under this Chapter, be final.

"(4) It shall be lawful both to show cause against an order on the grounds stated in sub-section (2), and at the same time to claim a jury under sub-section (2) (b)."

24. In sub-section (2) of section 147 of the said Code, after the words "or of any other Magistrate" the words and sign "not being a Magistrate of the third class" shall be inserted.

25. In section 148 of the said Code—

(1) In sub-section (1) after the words "District Magistrate" the words "Presiding Magistrate" shall be inserted.

(2) In sub-section (5), after the word "and" the words "or should be treated as being" shall be inserted, and the following shall be added after the words "such conviction" namely:—

"and when he proceeds under the first proviso to sub-section (4), may reside to possession the party forcibly and wrongfully dispossessed."

(3) For sub-section (7), the following sub-section shall be substituted, namely:—

"(7) When any party to any such proceeding dies, the Magistrate may cause the legal representative of the deceased party to be made a party to the proceeding, and shall thereupon continue the inquiry, and if any question arises as to who the legal representative of a deceased party for the purpose of such proceeding is, all persons claiming to be representatives of the deceased party shall be made parties thereto."

(4) After sub-section (7) the following sub-sections shall be added, namely:—

"(5) If the Magistrate is of opinion that any crop or other produce of the property, the subject of dispute in a proceeding under this section pending before him, is subject to speedy and total decay, he may make an order for the proper raising or sale of such produce, and, upon the completion of the inquiry shall under such order for the disposal of such produce, or the sub-accounts thereof, as he thinks fit.

"(6) Nothing in this section shall be deemed to be in derogation of the powers of the Magistrate in general under section 102."

26. After sub-section (3) of section 148 of the said Code, the following shall be added, namely:—

"Provided that, in the event of a removal of the property, the sub-accounts in dispute, being subsequently appointed by any Civil Court, persons shall be made over to him by the members appointed by the Magistrate who shall thereupon be discharged."

27. For section 147 of the said Code, the following section shall be substituted, namely:—

"147. (1) Whenever any District Magistrate, Presiding Magistrate, Sub-divisional Magistrate or Magistrate of the first class is satisfied, from a police report or other information that a dispute exists in cases a breach of the peace exists regarding any alleged right of way of any land or otherwise, within the local limits of his jurisdiction, he may invite into the matter in the manner provided in section 145.

(2) If it appears to such Magistrate that such right exists, he may make an order prohibiting any interference with the exercise of such right:

[C. L. 58.]

Amendment of section 134, Code of Criminal Procedure, 1898.

[C. L. 59.]

Amendment of section 145, Code of Criminal Procedure, 1898.

[C. L. 60.]

Amendment of section 148, Code of Criminal Procedure, 1898.

[C. L. 61.]

Amendment of section 147, Code of Criminal Procedure, 1898.

[C. L. 62.]

Substitution of section 147, Code of Criminal Procedure, 1898.

Provisions concerning rights of use of immovable property, etc.

Provided that no such order shall be made where the right is exercisable at all times of the year, unless such right has been exercised within three months next before the institution of the inquiry, or where the right is exercisable only at particular seasons or on particular occasions, unless the right has been exercised during the last of such seasons, or on the last of such occasions before such institution.

(2) If it appears in such Magistrate that such right does not exist, he may make an order prohibiting any exercise of the alleged right.

(4) An order under this section shall be subject to any subsequent decision of a Civil Court of competent jurisdiction."

[Ct. 24.]
Amendment of
section 145, Code of
Criminal Procedure,
1911.

28. (4) In sub-section (1) of section 145 of the said Code, after the words "District Magistrate" the words "Chief Presidency Magistrate" shall be inserted.

(6) In sub-section (2) of the same section the words "for witnesses, or pleaders' fees, or both," shall be omitted, and after the word "proprietor" the words "Such costs may include any expenses incurred in respect of witnesses and of pleaders' fees, which the Court may consider reasonable" shall be inserted.

[Ct. 25.]
Amendment of
section 152, Code of
Criminal Procedure,
1911.

29. In section 152 of the said Code—

(1) In sub-section (1), after the words "one of his subordinate officers" the words "not being below the rank of sub-inspector" shall be inserted, and for the words "and to take such measures as may be necessary," the words "and if necessary to take measures" shall be substituted.

(4) In sub-section (2) after the words "that sub-section," the words "and in the case mentioned in clause (4) each officer shall also forthwith notify to the informant, in such manner as may be prescribed by the Local Government, the fact that he will not investigate the case or cause it to be investigated" shall be added.

[Ct. 26.]
Amendment of
section 153, Code of
Criminal Procedure,
1911.

30. In sub-section (1) of section 153 of the said Code, after the word "Chapter," the words "or any police-officer not below such rank as may be prescribed by the Local Government, acting on the requisition of such officer" shall be inserted.

[Ct. 27.]
Amendment of
section 162, Code of
Criminal Procedure,
1911.

31. For sub-section (1) of section 162 of the said Code, the following sub-section shall be substituted, namely:—

"(1) No statement made by any person to a police-officer in the course of an investigation under this Chapter shall, if reduced into writing, be signed by the person making it; nor shall any such statement or any record thereof, whether in a preliminary or otherwise, or any part of such statement or record, be used for any purpose (save as hereinafter provided) at any inquiry or trial in respect of any offence under investigation at the time when such statement was made."

Provided that, when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, the Court shall, on the request of the accused, refer to such writing, and may then, if the Court thinks it appropriate in the interests of justice, direct that the accused be furnished with a copy thereof, in which case any part of such statement, if duly proved, may be used to contradict such witness in the manner provided by section 145 of the Indian Evidence Act, 1912. If any part of such statement is so used, any part thereof only shall be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination."

[Ct. 28.]
Amendment of
section 164, Code of
Criminal Procedure,
1911.

32. In section 164 of the said Code—

(2) For sub-sections (1) and (3), the following sub-sections shall be substituted, namely:—

"345 (1) Whenever an officer in charge of a police-station, or a police-officer making an investigation, has reasonable grounds for believing that anything necessary for the purpose of an investigation lies in any place which he is authorized to investigate may be found in any place within the limits of the jurisdiction of which he is in charge, or in which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may search, or cause search to be made, &c. the same in any place within the limits of such station."

"(2) A police-officer proceeding under sub-section (1) shall, if practicable conduct the search in person."

"(3) In sub-section (3), for the words "specifying the document or thing for which search is to be made and the place to be searched" the words "specifying the place to be searched and, in far as possible, the thing for which search is to be made" shall be substituted.

"(4) In sub-section (4), after the words "search warrants" the words "and the general provisions as to searches contained in section 102 and section 103" shall be inserted.

[Ct. 29.]
Amendment of
section 166, Code of
Criminal Procedure,
1911.

33. (4) In sub-section (1) of section 166 of the said Code, after the words "an officer in charge of a police-station," the words "or a police-officer making an investigation" shall be inserted.

(9) After sub-section (4) of the same section, the following sub-sections shall be added, namely:—

(10) Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police-station to come to a search to be made under sub-section (8) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer in charge of a police-station or a police-officer making an investigation under this Chapter to search, or cause to be searched, any place in the limits of another police-station, in accordance with the provisions of section 105, as if such place were within the limits of his own station.

(11) Any officer conducting a search under sub-section (8) shall forthwith send notice of the search to the officer in charge of the police-station within the limits of which such place is situate, and shall also send with such notice a copy of the list (if any) prepared under section 103.

34. In sub-section (7) of section 107 of the said Code—

(a) for the words "it appears from any" the words "any person is arrested and detained in custody, and it appears from the" shall be substituted, and the words "under this Chapter" shall be omitted;

(b) for the words "officer in charge of the police-station" the words "police-officer making the investigation" shall be substituted; and

(c) the words and signs "(if any)" shall be omitted.

35. In sections 109 and 110 of the said Code, after the words "If, upon" the words "the completion of" shall be inserted; and for the words "officer in charge of the police-station" wherever they occur, the words "police-officer making the investigation" shall be substituted.

36. In section 111 of the said Code, for the words "officer in charge of the police-station" the words "police-officer making the investigation" shall be substituted.

37. For sub-section (1) of section 113 of the said Code, the following sub-section shall be substituted, namely:—

"(1) Every investigation under this Chapter shall be completed without unnecessary delay, and as soon as it is completed, the police-officer making the investigation shall—

(a) forward to a Magistrate empowered to take cognizance of the offence on a police report a report, in the form prescribed by the Local Government, setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused (if arrested) has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties, and

(b) communicate, in such manner as may be prescribed by the Local Government, the action taken by him to the person by whom the information relating to the commission of the offence was first given."

38. In sub-section (2) of section 114 of the said Code, for the words "or Sub-divisional Magistrate," the words "Sub-divisional Magistrate or Magistrate of the first class" shall be substituted.

39. For sub-section (2) of section 121 of the said Code, the following sub-section shall be substituted, namely:—

"(1) The offence of theft, or any offence which includes theft or the possession of stolen property, may be inquired into or tried by a Court within the local limits of whose jurisdiction such offence was committed or the property stolen was possessed by the thief or by any person who received or retained the same knowing or having reason to believe it to be stolen."

40. In section 122 of the said Code, after the words "provided that," the words "notwithstanding anything in any of the preceding sections of this Chapter" shall be inserted.

41. For clause (c) of sub-section (7) of section 120 of the said Code, the following clause shall be substituted, namely:—

"(c) upon a report of such facts made by any police-officer."

42. In sub-section (2) of section 123 of the said Code, the words "in the case of Assistant Session Judges" shall be omitted.

43. (a) For sub-section (2) of section 125 of the said Code, the following sub-section shall be substituted, namely:—

(1) No Court shall take cognizance—

[C. 10.]
Amendment of
section 107, Code of
Criminal Procedure,
1908.

[C. 11.]
Amendment of
sections 109 and 110,
Code of Criminal
Procedure, 1908.

[C. 11-B.]
Amendment of
section 111, Code of
Criminal Procedure,
1908.

[C. 12.]
Amendment of
section 113, Code of
Criminal Procedure,
1908.

Report of police-
officer.

[C. 13.]
Amendment of
section 114, Code of
Criminal Procedure,
1908.

[C. 14.]
Amendment of
section 121, Code of
Criminal Procedure,
1908.

Thief.

[C. 14-B.]
Amendment of
section 122, Code of
Criminal Procedure,
1908.

[C. 14-C.]
Amendment of
section 120, Code of
Criminal Procedure,
1908.

[C. 15.]
Amendment of
section 123, Code of
Criminal Procedure,
1908.

[C. 16.]
Amendment of
section 125, Code of
Criminal Procedure,
1908.

L.I.F. of 1960.

Provision for removal of judicial authority of public servants.

Provision for removal of judicial authority of public servants.

Provision for removal of judicial authority of public servants.

(c) of any offence punishable under sections 172 to 183 (both inclusive) of the Indian Penal Code, except as the complaint is in writing of the public servant concerned, or of some other public servant to whom he is subordinate.

(d) of any offence punishable under sections 187, 194, 203, 206, 209, 210, 201, 206, 207, 208, 209, 210, 211, or 212, of the same Code when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, except as the complaint is in writing of such Court, or of some other duly authorised by it in this behalf; or of the Local Government or some officer duly authorised by it in this behalf; or of 476 of the same Code, when such offence is alleged to have been committed by a party to any proceeding in any Court in respect of a document produced or given in evidence in such proceeding, except as the complaint is in writing of such Court, or of some other Court in which such Court is subordinate, or of the Local Government or some officer duly authorised by it in this behalf.

(e) of any offence described in section 483 or punishable under sections 471, 475, or 476 of the same Code, when such offence is alleged to have been committed by a party to any proceeding in any Court in respect of a document produced or given in evidence in such proceeding, except as the complaint is in writing of such Court, or of some other Court in which such Court is subordinate, or of the Local Government or some officer duly authorised by it in this behalf.

(f) In sub-section (2) of the same section, for the word "man" the word "individual" shall be substituted.

(g) Sub-sections (1), (3) and (4) of the same section shall be omitted.

(h) Sub-sections (1) and (2) of the same section shall be re-numbered (3) and (4), respectively.

44. After section 194A of the said Code, the following section shall be inserted, namely:—

"194 B. In the case of any offence referred to in section 194 or 194A, a District Magistrate or Chief Presidency Magistrate may, notwithstanding anything contained in these sections or in any other part of this Code, order a preliminary inquiry by a police-officer not being below the rank of Inspector, in which case such police-officer shall have the powers referred to in section 195 (2)."

45. In section 195 of the said Code, for the words "as such Judge or public servant of any offence," the words "if any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duties" shall be substituted.

46. In section 196 of the said Code, the following proviso shall be added, namely:—

"Provided that, where the person so aggrieved is a woman who, according to the customs and manners of the country ought not to be compelled to appear in public or is under the age of 18 years or a child or lunatic, or is from sickness or infirmity unable to make a complaint, some other person may, with the leave of the Court make a complaint on his or her behalf."

47. In section 199 of the said Code, the following proviso shall be added, namely:—

"Provided that, where such husband is under the age of 18 years, or a child or lunatic, or is from sickness, infirmity or absence unable to make a complaint, some other person may, with the leave of the Court, make a complaint on his behalf."

48. After section 196 of the said Code, the following section shall be inserted, namely:—

"197 A. If in any case falling under section 195 or 196, the person on whose behalf the complaint is sought to be made is under the age of 18 years, and the person applying for leave is not the person appointed or declared by competent authority, notice shall be given to such guardian (if any), and the Court shall, before granting the application, hear any objections which such guardian may wish to make."

49. After proviso (a) to section 203 of the said Code, the following proviso shall be inserted, namely:—

"(aa) when the complaint is made in writing and signed by a public servant acting or purporting to act in the exercise of his official duties, a Magistrate may, if he thinks fit and shall, when the complaint is made by a Court under section 476, proceed with the inquiry into or trial of the case without examining the complainant or oath."

50. In section 202 of the said Code—

(a) The sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) Any Magistrate on receipt of a complaint of an offence of which he is authorised to take cognizance, or which has been transferred to him under section 192, may, if he thinks fit, for reasons to be recorded in writing, after examining the complainant where such examination is prescribed by this Code, postpone the issue of process for compelling the attendance of the person complained against, and either inquire into the case himself or, if he is a Magistrate other than a Magistrate of the third class, direct or

[CL 35.]

Insertion of new section 194-B in the Code of Criminal Procedure, 1908.

Provisionary inquiry by police officer.

[CL 36.]

Amendment of section 195, Code of Criminal Procedure, 1908.

[CL 37.]

Amendment of section 196, Code of Criminal Procedure, 1908.

[CL 38.]

Amendment of section 199, Code of Criminal Procedure, 1908.

[CL 39.]

Insertion of new section 197-A in the Code of Criminal Procedure, 1908.

[CL 40.]

Amendment of section 195, Code of Criminal Procedure, 1908.

[CL 41.]

Amendment of section 196, Code of Criminal Procedure, 1908.

[CL 42.]

Amendment of section 199, Code of Criminal Procedure, 1908.

[CL 43.]

Amendment of section 202, Code of Criminal Procedure, 1908.

[CL 44.]

Amendment of section 203, Code of Criminal Procedure, 1908.

inquiry or investigation to be made by any Magistrate subordinate to him, or by a policeman, or by such other person as he thinks fit, for the purpose of ascertaining the truth or falsity of the complaint.

(5) If an inquiry or investigation under this section is made by a person not being a Magistrate or a policeman, such person shall exercise all the powers conferred by this Code on an officer in charge of a police-station, except that he shall not have power to arrest without warrant.

(6) After sub-section (3), the following sub-section shall be added, namely:—
“(2a) Any Magistrate proceeding into a case under this section may, if he thinks fit, take evidence of witnesses on oath.”

51. In section 203 of the said Code, for the words “after examining the complainant and considering the result of the investigation (if any) made under section 202” the words “after considering the statements on oath (if any) of the complainant and the result of any previous investigation or inquiry under the preceding section” shall be substituted.

52. In sub-section (2) of section 206 of the said Code, after the words “by any Magistrate,” the words and sign “(not being a Magistrate of third class)” shall be inserted.

53. In sub-section (2) of section 210 of the said Code, for the words “the charge” the words “such charge” shall be substituted.

54. (i) In sub-section (1) of section 215 of the said Code for the words “The Magistrate” the words “The committing Magistrate or, in the absence of such Magistrate, any other Magistrate” shall be substituted.

(ii) In sub-section (2) of the same section, for the words “if the accused so requires, he gives to him free of cost” the words “he gives to the accused free of cost” shall be substituted.

55. In sub-section (7) of section 221 of the said Code, for the words “has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court is competent to award,” the following shall be substituted, namely:—

“having been previously convicted of any offence, is liable, by reason of such previous conviction, to enhanced punishment, or to punishment of a different kind, for a subsequent offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court may think fit to award for the subsequent offence.”

and for the words “is omitted” the words “has been omitted” shall be substituted.

56. In section 234 of the said Code—

(i) In sub-section (2) after the words “such offences” the words “whether in respect of the same person or not” shall be inserted.

(ii) In sub-section (3), the following proviso shall be added, namely:—

“Provided that, for the purpose of this section, an offence punishable under section 275 of the Indian Penal Code shall be deemed to be an offence of the same kind as an offence punishable under section 275 of the said Code, and that an offence punishable under any section of the Indian Penal Code, or of any special or local law, shall be deemed to be an offence of the same kind as an attempt to commit such offence, when such an attempt is an offence.”

57. Sub-section (3) of section 237 of the said Code shall be omitted.

58. After sub-section (2) of section 238 of the said Code, the following sub-section shall be inserted, namely:—

“(2a) When an accused is charged with an offence, he may be convicted of an attempt to commit such offence although the attempt is not separately charged.”

59. For section 239 of the said Code, the following section shall be substituted, namely:—

“239. The following persons may be charged and tried together, namely:—

- (a) persons accused of the same offence committed by them in the same transaction;
- (b) persons accused of an offence and persons accused of abetment, or of an attempt to commit such offence;
- (c) persons accused of more than one offence at the same time within the meaning of section 234 committed by them jointly within the period of twelve months;

(Ct. 48)
Amendment of
section 203, Code of
Criminal Procedure,
1908.

(Ct. 49)
Amendment of
section 206, Code of
Criminal Procedure,
1908.

(Ct. 50)
Amendment of
section 210, Code of
Criminal Procedure,
1908.

(Ct. 51)
Amendment of
section 215, Code of
Criminal Procedure,
1908.

(Ct. 52)
Amendment of
section 221, Code of
Criminal Procedure,
1908.

(Ct. 53)
Amendment of
section 234, Code of
Criminal Procedure,
1908.

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(Ct. 54)
Amendment of
section 237, Code of
Criminal Procedure,
1908.

(Ct. 55)
Amendment of
section 238, Code of
Criminal Procedure,
1908.

(Ct. 56)
Amendment of
section 239, Code of
Criminal Procedure,
1908.
What person may
be charged jointly.

- (d) persons accused of different offences committed in the course of the same transaction;
- (e) persons accused of offences which include theft, extortion, or criminal misappropriation, and persons accused of receiving or retaining, or assisting in the disposal or concealment of, property possessing at which has been transferred by offences committed by the persons accused, or of abetment of or attempting to commit any of the last named offences;
- (f) persons accused of offences under sections 311 and 312 of the Indian Penal Code or either of those sections in respect of stolen property the possession of which has been transferred by one offence; and
- (g) persons accused of any offence under Chapter XII of the Indian Penal Code relating to counterfeit coin, and persons accused of any other offence under the said Chapter relating to the same coin, or of abetment of or attempting to commit any such offence.

And the provisions contained in the former part of this Chapter shall, so far as may be, apply to all such charges.

- (D. 40.) Amendment of section 142, Code of Criminal Procedure, 1898.
- (D. 41.)

61. In section 244 of the said Code—

(1) In sub-section (1) before the words "If the accused" the words "If the Magistrate does not exercise the discretion under the preceding section, or" shall be inserted.

(2) In sub-section (2) for the words "process to compel the attendance of any witness or the production of" the words "a summons to any witness directing him to attend or to produce" shall be substituted.

- (D. 42.) Amendment of section 245, Code of Criminal Procedure, 1898.
- (D. 43.)

62. In section 245 of the said Code, after the word "shall," the words "unless he proceeds in accordance with the provisions of section 249 or section 252" shall be inserted.

- (D. 44.) Amendment of section 260, Code of Criminal Procedure, 1898.
- (D. 45.)

63. In section 260 of the said Code—

(1) For sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) If, in any case instituted upon complaint or upon information given to a police-officer, two or more persons in or are named before a Magistrate of any offence triable by a Magistrate, and the Magistrate by whom the case is heard discharges or acquits all or any of the accused, and is of opinion that the accusations against them or any of them was false and either frivolous or vexatious, the Magistrate may, in his discretion, by his order of discharge or acquittal, call upon the person upon whose complaint or information the accusation was made, forthwith to show cause why he should not pay compensation in such amount, or to each or any of such accused when there are more than one.

(2) The Magistrate shall record and consider any cause which such complainant or informant may show, and if he is satisfied that the accusation was false and either frivolous or vexatious may, for reasons to be recorded, direct that compensation not exceeding one hundred rupees be paid by such complainant or informant to the accused or to each or any of them.

(3) Compensation for the payment of which an order is made under sub-section (2) shall be recoverable as if it were a fine, and the Magistrate may, by the order directing payment of the same, further order that, in default of payment, the person ordered to pay such compensation shall suffer simple imprisonment for a period not exceeding thirty days.

- (D. 46.)
64. When any person is imprisoned under sub-section (3b), the provisions of sections 68 and 69 of the Indian Penal Code shall, so far as may be, apply.

(3b) The person who has been directed to pay compensation to an accused under this section shall, by virtue of such order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him.

Provided that, any amount paid to an accused person under this section shall be taken into account in computing compensation to such person in any subsequent civil suit relating to the same matter."

(3c) In sub-section (3), for the word and figure "sub-section (1)" the word and figure "sub-section (2)" shall be substituted.

(4) In sub-section (3b) after the words "appeal has been decided" the following shall be added, namely:—

"or, in other cases, until the expiration of one month from the date of such order."

(4c) Sub-section (3) shall be omitted.

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65. After section 255 of the said Code, the following section shall be inserted, *namely*—

"255A. In a case where a previous conviction is charged under the provisions of section 252 (7), and the accused does not admit that he has been previously convicted as alleged in the charge, the Magistrate may, after he has convicted the said accused under section 255 (2) or section 258, take evidence as to the alleged previous conviction and shall record a finding thereon."

66. In sub-section (1) of section 256 of the said Code, after the words "is clerk" the words "either forthwith, or if the Magistrate thinks fit, at the commencement of the next hearing of the case" shall be inserted.

67. In sub-section (2) of section 256 of the said Code, after the word "shall," the words "unless he proceeds in accordance with the provisions of section 245 or section 252" shall be inserted.

68. In section 258 of the said Code, the words "and the offence may be lawfully compounded" shall be omitted.

69. In several clauses (c) of sub-section (1) of section 260 of the said Code, before the word "and" the following words and figures shall be inserted, *namely*, "attempts to commit suicide under section 303 and."

70. In section 261 of the said Code—

(a) In clause (a), for the word and figures "and 447," the figures and word "447 and 591" shall be substituted.

(b) In clause (b) after the words "one month," the words "with or without fine" shall be added.

71. In section 265 of the said Code, after the words "for the purposes of this Chapter," the words "and of Chapter XVIII" shall be added.

72. In the third proviso to section 270 of the said Code, for the words "in the preliminary process" the words "in a trial before any High Court in the town which is the usual place of sitting of such High Court" shall be substituted.

73. In section 283 of the said Code—

(i) For the words "duly taken in the presence of the accused before the committing Magistrate" the words "duly recorded in the presence of the accused under Chapter XVIII" shall be substituted;

(ii) After the words "as evidence in the case," the words "for all purposes" shall be added.

74. In section 292 of the said Code, for the words "admits any evidence" the words "examines any witness under the provisions of section 290" shall be substituted, and the following proviso shall be added to the section, *namely*—

"Provided that the prosecutor may in any case, with the leave of the Court, be heard in reply as a party to law."

75. In sub-section (2) of section 305 of the said Code, after the word "shall," where it occurs for the second time, the words "unless he proceeds in accordance with the provisions of section 462" shall be inserted.

76. In section 337 of the said Code—

(1) In sub-section (1)—

(a) For the words "the accused" the words "any accused person" shall be substituted;

(b) After the words "to submit the case," the words "in respect of such accused person" shall be inserted;

(c) After the words "remains to have been convicted," the following shall be added, *namely*—

"and in such case, if the accused is further charged under the provisions of section 310, shall proceed to try him on such charge as if such verdict had been one of conviction"

(2) In sub-sections (2) and (3), for the words "the accused" wherever they occur, the words "such accused" shall be substituted.

[G. 154.]

Amendment of section 255 A, in the Code of Criminal Procedure, 1933.

Provision is made of previous conviction.

[G. 155.]

Amendment of section 256, Code of Criminal Procedure, 1933.

[G. 156.]

Amendment of section 258, Code of Criminal Procedure, 1933.

[G. 157.]

Amendment of section 259, Code of Criminal Procedure, 1933.

[G. 158.]

Amendment of section 260, Code of Criminal Procedure, 1933.

[G. 159.]

Amendment of section 261, Code of Criminal Procedure, 1933.

[G. 160.]

Amendment of section 265, Code of Criminal Procedure, 1933.

[G. 161.]

Amendment of section 270, Code of Criminal Procedure, 1933.

[G. 162.]

Amendment of section 283, Code of Criminal Procedure, 1933.

[G. 163.]

Amendment of section 292, Code of Criminal Procedure, 1933.

[G. 164.]

Amendment of section 305, Code of Criminal Procedure, 1933.

[G. 165.]

Amendment of section 337, Code of Criminal Procedure, 1933.

[Ct. 39.]

Amendment of
section 345, Code of
Criminal Procedure,
1935.

70. In section 345 of the said Code—

(1) In sub-section (1), for the words "and shall then require each of the accused to state his opinion orally, and shall record each opinion" the following shall be substituted, namely:—

"and the accused shall then state their opinions on all the charges on which the accused has been tried, and the Judge may ask them such questions as are necessary to ascertain what their opinions are. All such questions and the answers to them shall be recorded."

(2) In sub-section (2) after the word "shall" the words "unless he proceeds in accordance with the provisions of section 552" shall be inserted.

[Ct. 76.]

Amendment of
section 115, Code of
Criminal Procedure,
1935.

71. For section 115 of the said Code, the following section shall be substituted, namely:—

"115. In the case of a trial by a jury or with the aid of assessors, when the accused is charged with an offence, and further charged that he is by reason of a previous conviction liable to enhanced punishment, or is punishment of a different kind, for such subsequent offence, the procedure provided by the foregoing provisions of this Chapter shall be modified as follows, namely:—

(a) Each further charge shall not be tried out in Court and the accused shall not be asked to plead thereto, nor shall the same be referred to by the prosecution, or any evidence adduced thereon, unless and until,

(i) he has been convicted of the subsequent offence, or

(ii) the jury have delivered their verdict, or the opinions of the assessors have been recorded, on the charge of the subsequent offence.

(b) In the case of a trial held with the aid of assessors, the Court may, in its discretion, proceed or refrain from proceeding with the trial of the accused on the charge of the previous conviction."

[Ct. 81.]

Amendment of
section 115, Code of
Criminal Procedure,
1935.

72. For section 115 of the said Code, the following section shall be substituted, namely:—

"115. The High Court may prescribe the number of persons whose names shall be entered at any one time in the special jurors' list."

[Ct. 76.]

Amendment of
section 115, Code of
Criminal Procedure,
1935.

73. In sub-section (1) of section 345 of the said Code, for the words "in each presidency town" the words "in the town which is the usual place of sitting of each High Court" shall be substituted, and for the words "at least twenty-seven of those who are liable to serve as special jurors, and fifty-four of those who are liable to serve on common juries," the words "in many of those who are liable to serve on special or common juries respectively as the Clerk of the Crown considers necessary" shall be substituted.

[Ct. 76.]

Amendment of
section 115, Code of
Criminal Procedure,
1935.

74. In section 345 of the said Code, for the words "presidency towns" the words "town which is the usual place of sitting of each High Court" shall be substituted.

[Ct. 34.]

Amendment of
section 337, Code of
Criminal Procedure,
1935.

75. In section 337 of the said Code—

(1) In sub-section (1):—

(a) after the words "or liable to be committed by the Court of Session or High Court" the words "or punishable with imprisonment for a term which may extend to seven years" shall be inserted,

(b) for the words "any Magistrate of the first class inquiring into the offence or with the sanction of the District Magistrate or any other Magistrate," the words "a Sub-district Magistrate or, with the sanction of the District Magistrate, any Magistrate of the first class" shall be substituted;

(c) after the words "commitment thereof" the following shall be added, namely:—

"Every Magistrate, other than a Presidency Magistrate, who sends a person, under this sub-section shall record his reasons for so doing."

(2) In sub-section (2) for the word "now," the words "Court of the Magistrate inquiring into the offence" shall be substituted.

(3) After sub-section (2) the following sub-section shall be inserted, namely:—

"(3a) In every case where a person has accepted a tender of pardon and has been examined under sub-section (2), the Magistrate before whom the proceedings are pending shall, if he is satisfied that there are reasonable grounds for believing that the accused is guilty of an offence, commit him for trial to the Court of Session or High Court, as the case may be."

"Provided that, if any Magistrate in the district has been invested with powers under section 39 and has not himself tendered the pardon, the case may be transferred to the Court of Session."

(4) In sub-section (3) for the words "if not on bail" the words "unless he is already on bail" shall be substituted.

(5) Sub-section (4) shall be omitted.

82. (3) In sub-section (7) of section 333 of the said Code, after the figures and words "section 338 and" the words "it is alleged by the prosecution that" shall be inserted, and at the end of the said sub-section, the following proviso shall be added, namely:—

"Provided that such person shall not be tried jointly with any of the other accused, and that he shall be entitled to plead at such trial that he has complied with the conditions upon which such tender was made; in which case it shall be for the prosecution to prove that such conditions have not been complied with."

(4) In sub-section (2) of the same section, for the words "when the person has been forfeited under this section" the words "at such trial" shall be substituted.

83. For section 340 of the said Code, the following section shall be substituted, namely:—

"340. (1) Any person accused of an offence before a criminal Court, or against whom proceedings are instituted under this Code, in any such Court, may of right be defended by a pleader.

(2) Any person against whom proceedings are instituted in any such Court under Chapters X, XI, XII or XXXVI or under section 352 may, if he so desires, be examined as a witness in such proceedings."

84. In section 345 of the said Code,—

(7) In sub-section (7), for the word "described" the word "specified" shall be substituted.

(8) For sub-section (8) the following sub-section shall be substituted, namely:—

"(9) The offences punishable under the sections of the Indian Penal Code specified in the first two columns of the table next following may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the persons mentioned in the third column of that table:—

Offence.	Section of the Indian Penal Code applicable.	Persons by whom offence may be compounded.
Voluntarily causing hurt by dangerous weapons or means.	304	The person to whom hurt is caused.
Voluntarily causing grievous hurt.	305	Do.
Voluntarily causing grievous hurt as grave and sudden provocation.	306	Do.
Causing hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others.	307	Do.
Causing grievous hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others.	308	Do.
Wrongfully confining any person for three days or more.	343	The person confined.
Wrongfully confining a person in secret.	346	Do.
Assault or criminal force in attempting wrongfully to confine a person.	357	The person assaulted or to whom the force was used.
Molested by injury to work of irrigation by wrongfully stopping water when the only loss or damage caused is loss or damage to a private person.	439	The person to whom the loss or damage is caused.
House-trespass to commit an offence (other than theft) punishable with imprisonment.	461	The person in possession of the house trespassed upon.
Uttering words or sounds or making gestures or exhibiting any object intending to insult the modesty of a woman or intruding upon the privacy of a woman.	500	The woman whom it is intended to insult or whose privacy is intruded upon.

(10) After sub-section (9), the following sub-sections shall be inserted, namely:—

"(11) Where the person who would be otherwise competent to compound an offence under sub-sections (1) and (2) is a person to whom the proviso to section 337 would apply the offence may be compounded by any other person who would be competent to file a complaint on his or her behalf.

(12) Any person making a complaint of an offence other than an offence specified in sub-section (7) or sub-section (8) may, with the permission of the Court before which any prosecution for such offence is pending, compound such offence if it is not punishable with death or transportation or imprisonment for a period exceeding six months."

(13) Sub-section (6) shall be omitted.

(14) In sub-section (5), after the word "accused" the words "with whom the offence has been compounded" shall be added.

[S. 38.]

Amendment of section 333, Code of Criminal Procedure, 1898.

[S. 34.]

Amendment of section 340, Code of Criminal Procedure, 1898.

Right of person accused when proceedings are instituted to be defended and the opportunity to be a witness.

[S. 345.]

Amendment of section 345, Code of Criminal Procedure, 1898.

XLV of 1908.

[G. 76.]
Amendment of
section 247, Code of
Criminal Procedure,
1884.

85. In sub-section (2) of section 247 of the said Code, the words "step further proceedings, and" shall be omitted.

[G. 81.]
Amendment of
section 249, Code of
Criminal Procedure,
1884.

86. (1) Section 248 of the said Code shall be re-numbered 248 (f) and in the said section, as re-numbered, after the word "shall" the words "if the Magistrate before whom the case is pending is satisfied that there are sufficient grounds for committing the accused" shall be inserted, and the words "before whom the proceedings are pending" shall be omitted.

(2) In the proviso to the said section, for the words "the District Magistrate," the words "any Magistrate in the district" shall be substituted.

(3) To the same section the following sub-section shall be added, namely:—

(4) When any person is committed to the Court of Session or High Court under sub-section (2), any other person accused jointly with him in the same inquiry or trial shall be similarly committed, provided that the Magistrate may, if he thinks fit, discharge such other person under section 200."

[G. 82.]
Amendment of
section 249, Code of
Criminal Procedure,
1884.

87. After sub-section (7) of section 249, the following sub-section shall be inserted, namely:—

"(8) When more accused than one are being tried together and the Magistrate considers it necessary to proceed under sub-section (7) in regard to any of such accused, he shall forward all the accused who are in his opinion guilty to the District Magistrate or Subdivisional Magistrate."

[G. 83.]
Amendment of
section 250, Code of
Criminal Procedure,
1884.

88. In sub-section (2) of section 250 of the said Code, after the figure "300" the words "as in which proceedings have been submitted to a superior Magistrate under section 249" shall be added, and after the same sub-section, the following sub-section shall be added, namely:—

"(3) When a case is transferred under the provisions of this Code from one Magistrate to another, the former shall be deemed to cease to exercise jurisdiction therein and to be succeeded by the latter within the meaning of sub-section (1).
(4) The provisions of this section shall apply as far as may be, to proceedings before any Bench of Magistrates constituted under section 22, whenever the Magistrates sitting together in any proceedings are not the same as those who were sitting together at the last hearing thereof."

[G. 84.]
Amendment of
section 251, Code of
Criminal Procedure,
1884.

89. In section 251 of the said Code,—

(1) In sub-section (1), for the words "in which a Presidency Magistrate imposes a fine exceeding one hundred rupees, or imprisonment for a term exceeding six months, or" the words "tried by a Presidency Magistrate on which an appeal lies, such Magistrate" shall be substituted.

(2) In sub-section (2) after the word "sentence" the words "unless they are sentences of imprisonment ordered to run concurrently" shall be added.

(3) After sub-section (2) the following sub-section shall be added, namely:—

"(4) In cases other than those specified in sub-section (2), it shall not be necessary for a Presidency Magistrate to record the evidence or frame a charge."

[G. 85.]
Amendment of
section 252, Code of
Criminal Procedure,
1884.

90. In section 252 of the said Code, for the word "may" the word "shall" shall be substituted, and the words and sign "if any" shall be omitted.

[G. 86.]
Amendment of
section 253, Code of
Criminal Procedure,
1884.

91. To section 253 of the said Code, the following proviso shall be added, namely:—

"Provided further that a judgment of a High Court, Court of Session, or any Magistrate empowered by the Local Government in this behalf, may be taken down from the dictation of the Presiding Officer of the Court, in which case, every page of such judgment shall be signed by such Presiding Officer."

[G. 86-a.]
Amendment of
section 254, Code of
Criminal Procedure,
1884.

92. To section 254 of the said Code, the following proviso shall be added, namely:—

"Provided that, if any judge being a member of such Bench so require, such case shall be ordered before them and another Judge or, if the Chief Justice or the Federal Chief Commissioner so direct, before three other Judges, and the judgments or orders shall follow the opinion of the majority of the Judges so co-hearing such case."

[G. 87.]
Amendment of
section 255, Code of
Criminal Procedure,
1884.

93. (1) Section 255 of the said Code shall be re-numbered 255 (2), and in the said section as re-numbered for the word "district" the word "attachment" shall be substituted.

(2) To the said section the following sub-section and proviso shall be added, namely:—

"(3) The Local Government may make rules regulating the manner in which warrants under this section are to be executed, and for the summary determination of any claims made by any person other than the offender in respect of any property attached in execution of such warrant:
Provided that, in any case, the Court may authorise the Collector of the District to realise the fine by auction according to civil process, in which case the order of such Court shall be deemed to be a decree, and such Collector to be the decree-holder, within

the meaning of *old Civil Procedure Code, 1855*, and the same shall be executed by the nearest Civil Court by which any decree for a like amount could be executed, and all the provisions of *old Code* as to execution of decrees shall apply accordingly."

84. In section 367 of the said Code, for the words "Such warrant" the words "A warrant issued under section 356 (f)" shall be substituted, and for the word "distress," the word "attachment" shall be substituted.

85. In sub-section (f) of section 368 of the said Code—

(i) For the words "and the Court issues a warrant under section 356, it," the words "the Court" shall be substituted.

(ii) For the words "on the day appointed for the return to such warrant such day not being," the words "on a date not" shall be substituted.

86. In section 369 of the said Code—

(i) In sub-section (f) after the words "twelve months" the words "or to a date not exceeding five hundred rupees" shall be inserted.

(ii) In sub-section (f) after the words "for a term" the words "or fine of any amount" shall be inserted.

87. In section 367 of the said Code—

(i) After the words "to which he has been previously sentenced," the words "unless the Court directs that the subsequent sentence shall run concurrently with last previous sentence" shall be inserted.

(ii) To the same section the following Explanation shall be added, namely:—

"Explanation.—An order under section 152 directing that a person be committed to or detained in prison in default of furnishing security is a sentence of imprisonment within the meaning of this section."

88. In section 431 of the said Code—

(i) In sub-section (2), after the words "together with his reasons for such opinion," the following words shall be added, namely:—

"and also to forward with the statement of such opinion a certified copy of the record of the trial or of such record thereof as aforesaid."

(ii) In sub-section (8) of the same section, after the words "Her Majesty" the words "or of the Governor-General when such right is delegated to him" shall be inserted.

(iii) After sub-section (8), the following Explanation shall be added, namely:—

"Explanation.—A person committed to or detained in prison in accordance with the provisions of section 153 is a person sentenced to punishment for an offence within the meaning of this section."

89. Section 432 of the said Code shall be re-numbered section 432 (f) and to the said section the following sub-section shall be added, namely:—

"(2) Nothing in this section shall affect the provisions of the Indian Penal Code, section 34 or 55."

100. (f) In section 435 of the said Code, after the word "security," the words "for keeping the peace or" shall be inserted.

(2) To the same section the following proviso shall be added, namely:—

"Provided that nothing in this section shall apply to persons the proceedings against whom are laid before a Sessions Judge in accordance with the provisions of sub-section (2) or sub-section (3a) of section 123."

101. After section 436 of the said Code, the following section shall be inserted, namely:—

436-A Any person appointed by an order refusing to accept a surety under section 123 may appeal against such order:—

(a) If made by a Presiding Magistrate, to the High Court;

(b) If made by the District Magistrate, to the Court of Sessions, or

(c) If made by a Magistrate other than the District Magistrate, to the District Magistrate."

102. In sub-section (f) of section 437 of the said Code, after the figures "249," the words and figures "or in respect of whom an order has been made or a sentence passed under section 152" shall be inserted.

103. In section 438 of the said Code—

(i) After the figures "249" the following words shall be inserted, namely, "or in respect of whom an order has been made or a sentence passed under section 152."

(ii) For clause (e) of the proviso the following shall be substituted, namely:—

(a) Any European British subject on conviction, or in case of appealing to the Court of Sessions, appeal to the High Court, and if he is an appeal, the appeal of any other person must jointly and connected with him shall also be heard by the High Court."

7 of 1908.

(7, 44.)
Amendment of
section 361, Code of
Criminal Procedure,
1855.

(7, 45.)
Amendment of
section 367, Code of
Criminal Procedure,
1855.

(7, 46.)
Amendment of
section 368, Code of
Criminal Procedure,
1855.

(7, 47.)
Amendment of
section 367, Code of
Criminal Procedure,
1855.

(7, 48.)
Amendment of
section 431, Code of
Criminal Procedure,
1855.

(7, 49.)
Amendment of
section 432, Code of
Criminal Procedure,
1855.

XIV 1908.

(7, 50.)
Amendment of
section 435, Code of
Criminal Procedure,
1855.

(7, 51.)
Section 436-A
added to the
Code of Criminal
Procedure, 1855.

Amendment of
section 437, Code of
Criminal Procedure,
1855.

(7, 52.)
Amendment of
section 437, Code of
Criminal Procedure,
1855.

(7, 53.)
Amendment of
section 438, Code of
Criminal Procedure,
1855.

(a) In clause (2) of the proviso after the word "appeal," the following words shall be inserted, namely:—
"of all or any of the accused sentenced at such trial."

104. After section 415 of the said Code, the following section shall be inserted, namely:—

"415-A. Notwithstanding anything contained in this Chapter, when more persons than one are convicted in one trial, and any of such persons is subject of whom an appealable judgment or order has been passed, appeals, all or any of the persons convicted at such trial shall have a right of appeal."

105. Section 418 of the said Code shall be re-numbered section 418 (1) and to the said section the following sub-section shall be added, namely:—

"(2) Notwithstanding anything contained in sub-section (1) or in section 423, sub-section (2), when, in the case of a trial by jury, any person is sentenced to death, any other person convicted in the same trial with the person so sentenced, may appeal on a matter of fact as well as a matter of law."

106. To section 422 of the said Code the following proviso shall be added, namely:—
"Provided that, if either of the Judges composing the Court of appeal so requires the appeal shall be re-heard before then and another Judge, or if the Chief Justice or the Federal Commissioner so direct, before three other Judges and the judgment or order shall follow the opinion of the majority of the Judges so re-hearing the case."

107. In section 435 of the said Code—

(i) The sub-section (1), the following words shall be added after the words "proceedings of such inferior Court," namely:—

"and may when calling for such record direct that the execution of any sentence be suspended, and, if the accused is in confinement, that he be released on bail or on his own bond pending the consideration of the record."

(ii) After the same sub-section the following Explanation shall be added, namely:—

"Explanation.—All Magistrates, whether exercising original or appellate jurisdiction, shall be deemed to be inferior to the Sessions Judge for the purpose of this sub-section."

(iii) For sub-section (3) the following shall be substituted, namely:—

"(3) Orders made under sections 142 or 144, or proceedings under Chapter XVII or under sections 276, 470, 476-A or 475-B are not proceedings within the meaning of this section."

108. In section 436 of the said Code, for the words "instead of directing a fresh inquiry order him," the words "direct that further inquiry be made into the case or order the accused" shall be substituted.

109. In section 437 of the said Code, for the words "accused person" the words "person accused of an offence" shall be substituted.

110. In sub-section (2) of section 438 of the said Code, after the words "by the Sessions Judge" the words "or in respect of all cases if the Sessions Judge by general order so directs" shall be inserted.

111. In section 484 of the said Code—

(i) After sub-section (1) the following sub-section shall be inserted, namely:—
"(1a) Pending such examination and inquiry, the Magistrate may deal with the accused in accordance with the provisions of section 468."

(ii) In sub-section (2), after the word "he" the words "shall record a finding to that effect and" shall be inserted.

112. In sub-section (7) of section 492 of the said Code, for the words "and if satisfied of the fact, shall pass judgment accordingly and thereupon the trial shall be postponed" the following words shall be substituted, namely:

"and if the jury or Court is satisfied of the fact, the Judge shall record a finding to the effect, and shall postpone further proceedings in the case and the jury, if any, shall be discharged."

113. In section 466 of the said Code—

(i) In sub-section (1), for the words "if the case is one in which bail may be taken," the words "whether the case is one in which bail may be taken or not" shall be substituted.

[Cl. 97]
Amendment of
section 415-A, Code
of Criminal Procedure,
1908.

Amendment of
section 418 of
said Code.

[Cl. 105]
Amendment of
section 418, Code of
Criminal Procedure,
1908.

[Cl. 106]
Amendment of
section 422, Code of
Criminal Procedure,
1908.

[Cl. 107]
Amendment of
section 435, Code of
Criminal Procedure,
1908.

[Cl. 108]
Amendment of
section 436, Code of
Criminal Procedure,
1908.

[Cl. 109]
Amendment of
section 437, Code of
Criminal Procedure,
1908.

[Cl. 110]
Amendment of
section 438, Code of
Criminal Procedure,
1908.

[Cl. 111]
Amendment of
section 484, Code of
Criminal Procedure,
1908.

[Cl. 112]
Amendment of
section 492, Code of
Criminal Procedure,
1908.

[Cl. 113]
Amendment of
section 466, Code of
Criminal Procedure,
1908.

(4) For sub-section (2) the following sub-section shall be substituted, namely:—
 "(2) If the case is one in which, in the opinion of the Magistrate or Court, bail should not be taken, or if sufficient security is not given, the Magistrate or Court, as the case may be, shall order the accused to be detained in safe custody in such place and manner as he or it may think fit, and shall report the action taken to the Local Government."

Provided,

(a) that no order for the detention of the accused in a lunatic asylum shall be made otherwise than in accordance with such rules as the Local Government may have made under the Lunacy Act, 1912, and

(b) that the Local Government may vary any order of detention made under this sub-section, and may direct any person in respect of whom such order has been made to be detained in a lunatic asylum, jail or other place of safe custody."

112. In sub-section (2) of section 468 of the said Code, the word "person" shall be omitted, and the following words shall be added, after the words "in the case may be," namely:—

"and, if the accused is found to be of unsound mind and incapable of making his defence, shall deal with such accused in accordance with the provisions of section 466."

113. In sub-section (2) of section 471 of the said Code—

(a) For the words "such judgments," the words "the finding" shall be substituted;

(b) For the word "kept," the word "detained" shall be substituted; and

(c) after the words "Court think fit," the words "and shall report the action taken to the Local Government" shall be inserted.

(3) After sub-section (2) of the same section, the following proviso and sub-section shall be added, namely:—

"Provided that the Magistrate or Court may, on the application of any relative or friend of the accused, in lieu of ordering him to be detained under this sub-section, order him to be delivered to such relative or friend on his giving security, to the satisfaction of such Magistrate or Court, that the person delivered shall be properly taken care of and prevented from doing injury to himself or to any other person, and be produced for the inspection of such officer, and at such times and places as such Magistrate or Court directs."

"Provided further that no order for the detention of the accused in a lunatic asylum shall be made otherwise than in accordance with such rules as the Local Government may have made under the Lunacy Act, 1912."

(3) The Local Government may vary any order of detention made under sub-section (1) and may direct any person in respect of whom such order has been made to be detained in a jail, lunatic asylum or other suitable place of safe custody."

(3) Sub-section (3) of the same section shall be re-numbered (2).

116. In section 473 of the said Code, for the word "confined," the word "detained" shall be substituted, and for the words "such Inspector-General or Divisional" the words "in the case of a person detained in a jail the Inspector-General of Prisons, or in the case of a person detained in a lunatic asylum, the officers of such asylum or any two of them," shall be substituted.

117. In section 474 of the said Code, for the word "confined," the word "detained" shall be substituted; for the words "discharged" and "discharge" wherever they occur, the word "released" and "release," respectively, shall be substituted; and the words and figures "section 466 or" shall be omitted.

118. For section 475 of the said Code, the following section shall be substituted, namely:—

"475 (1) Whenever any relative or friend of any person detained under the provisions of section 466 or section 471 desires that he shall be delivered to his care and custody, the Local Government may, upon the application of such relative or friend and on his giving security to the satisfaction of such Local Government that the person delivered shall—

(a) be properly taken care of and prevented from doing injury to himself or to any other person, and

(b) be produced for the inspection of such officer, and at such times and places as the Local Government may direct, and

(c) in the case of a person detained under section 466, be produced when required before such Magistrate or Court.

order such person to be delivered to such relative or friend.

(2) If the person so delivered is accused of any offence, the trial of which has been postponed by reason of his being of unsound mind and incapable of making his defence, and the inspecting officer referred to in sub-section (2) clause (b) certifies at any time to the Magistrate or Court that such person is capable of making his defence, such

Custody of lunatics.

IV of 1913.

[S. 107.]
Amendment of section 468, Code of Criminal Procedure, 1898.

[S. 106.]
Amendment of section 471, Code of Criminal Procedure, 1898.

IV of 1913.

[S. 108.]
Amendment of section 473, Code of Criminal Procedure, 1898.

[S. 107.]
Amendment of section 474, Code of Criminal Procedure, 1898.

[S. 107.]
Substitution of section 475, Code of Criminal Procedure, 1898.

Custody of lunatics in case of relatives or friends.

Magistrate or Court shall call upon the relative or friend to whom such second was delivered to produce him before the Magistrate or Court; and upon such production, the Magistrate or Court shall proceed in accordance with the provisions of section 408, and the certificate of the inspecting officer shall be receivable as evidence."

410. For section 410 of the said Code, the following sections shall be substituted, namely:—

"478. (1) When any Civil, Revenue or Criminal Court is of opinion that it is expedient, in the interests of justice, that an inquiry should be made into any offence referred to in section 465 (1) (b) or (c) and alleged to have been committed before it or brought under its notice in the course of a judicial proceeding, such Court shall make a complaint thereof in writing signed by the presiding officer of the Court, and shall forward the same to the nearest first-class Magistrate having jurisdiction, and may, if the alleged offence is non-bailable, send the accused in custody to, or in any other case may take sufficient security for his appearance before such Magistrate, and may bind over any person to appear and give evidence before such Magistrate.

For the purpose of this sub-section, a Chief Presidency Magistrate shall be deemed to be a first-class Magistrate.

(2) Such Magistrate shall thereupon proceed according to law and as if upon complaint made and recorded under section 250.

(3) Where it is brought to the notice of such Magistrate, or of any other Magistrate to whom the case may have been transferred, that an appeal is pending against the decision arrived at in the judicial proceeding out of which the matter has arisen, he may, if he thinks it expedient in the interests of justice, at any stage adjourn the hearing of the case until such appeal is decided.

478-A. A complaint under section 478 (1) may be made by any of the Courts referred to in section 478, sub-section (1) or sub-section (2) either of its own motion, or upon the application of any party to the judicial proceeding out of which the matter has arisen, and no Court shall be precluded from making such complaint only by the fact that the Court subordinate to it has refused so to do.

Explanation.—For the purpose of this section, the word "party" shall, in the case of any criminal proceeding, include the Crown.

478-B. Any person being either a party to such proceeding or a person against whom a complaint has been made under section 478 or section 478-A, who is aggrieved by the action taken by any Court under either of the two preceding sections, may apply within any month thereafter to the Court to which appeals from the former Court ordinarily lie as defined by section 235 (2), and the superior Court may thereupon, after notice to the parties concerned, direct the withdrawal of a complaint already filed, or may itself make a complaint in respect of any of the offences referred to in section 235 (1) (b) or (c), and may take any other action which might have been taken by such subordinate Court under section 478 (1).

The expression "action taken" in this section shall include the making of a complaint and the refusal so to do."

479. In section 488 of the said Code—

(1) In sub-section (1) for the words "wilfully neglects" the words "fails without sufficient cause" shall be substituted.

(2) To the same sub-section, the following proviso shall be added, namely:—
"Provided further that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Court to levy such amount within a period of one year from the date on which it became due."

(3) Sub-section (7) shall be omitted.
(4) Sub-sections (3) and (5) shall be re-numbered (7) and (8), respectively, and in the last stated sub-section for the words "The accused may be proceeded against," the words "Proceedings under this section may be taken against any person," shall be substituted.

481. In sub-section (7) of section 491 of the said Code, after the figures "1858" the words and figures "or the Indian Extradition Act, 1946," shall be added.

482. In sub-section (2) of section 492 of the said Code—

(1) The words "In any case committed for trial to the Court of Sessions" shall be omitted, and for the words "such case," the words "any case" shall be substituted.

(2) After the words "for the purpose of such case" the following shall be added, namely:—
"The expression, Assistant District Superintendent in this sub-section shall be deemed to include any person authorized by the Local Government to perform all or any of the duties of a District Superintendent."

(C. 113.)
Amendment of
section 478, and
insertion of new
section 478-A,
478-B, Code of
Criminal Procedure,
1908.

Provision in cases
mentioned in section
478.

What courts may
complain under
section 478.

Application to
superior Court.

(C. 113.)
Amendment of
section 488, Code of
Criminal Procedure,
1908.

(C. 114.)
Amendment of
section 491, Code of
Criminal Procedure,
1908.
N.V. of 1947

(C. 115.)
Amendment of
section 492, Code of
Criminal Procedure,
1908.

123. In section 484 of the said Code—

(g) The words "appointed by the Governor-General in Council or the Local Government" shall be omitted.

(h) After the words "prosecution of any person" the words "either generally or in respect of any one or more of the offences for which he is being tried" shall be inserted.

(i) After the word "discharged" in sub-section (a), the words "in respect of such offences or offences" shall be inserted.

(j) After the word "accused" in sub-section (b), the words "in respect of such offences or offences" shall be added.

124. In section 486 of the said Code, after the words "such person," the words "now as provided in sections 387 (4) and 477 (3)" shall be inserted.

125. To sub-section (f) of section 481 of the said Code, the following proviso shall be added, namely:—

"Provided that the Court may, in any case, for reasons to be recorded, direct that any person under the age of sixteen, or any woman, or sick or infirm person accused of a non-bailable offence, be released on bail."

126. In sub-section (7) of section 504 of the said Code, for the words "the said Presidency Magistrate," the words "such Presidency Magistrate" shall be substituted.

(a) After the said sub-section, the following sub-section shall be inserted, namely:—

"(1a) When a commission is issued under this section to a Chief Presidency Magistrate, he may delegate his powers and duties under the commission to any other Presidency Magistrate subordinate to him."

127. In sub-section (2) of section 506 of the said Code, after the word "directed" the words "or in whom the duty of executing such commission has been delegated" shall be inserted.

128. In section 514 of the said Code—

(1) In sub-section (3) for the word "distress," the word "attachment" shall be substituted.

(2) In sub-section (5), the words "but the party who gave the bond may be required to find a new surety" shall be omitted, and after the said sub-section, the following sub-section shall be inserted, namely:—

"(7) When any person who has furnished security under section 106 or section 118 or section 512 is convicted of an offence the commission of which constitutes a breach of the conditions of his bond, the fact of such conviction when proved shall be conclusive as to such breach; provided that in any case where such person has been convicted solely on his own plea, it shall be open to the surety to prove that he was not guilty of such offence, but the burden of so proving shall be upon the surety."

129. After section 514 of the said Code, the following sections shall be inserted, namely:—

"514-A. When any surety to a bond becomes insolvent or dies, or when any bond is forfeited under the provisions of section 514, the Court by whose order such bond was taken, or a Presidency Magistrate or Magistrate of the first class, may order the person from whom such surety was demanded to furnish fresh security in accordance with the directions of the original order, and if such security is not furnished, such Court or Magistrate may proceed as if there had been a default in complying with such original order."

"514-B. When the person required by any Court or officer to execute a bond to a witness, such Court or officer may accept in lieu thereof a bond executed by a surety or sureties only."

130. In Chapter XLIII of the said Code, before section 517, the following section shall be inserted, namely:—

"518-A. When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before any criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and if this property is subject to speedy or natural decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of."

131. In section 517 of the said Code—

(1) In sub-section (7), after the word "deposited," the words "by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof or otherwise" shall be inserted.

[C. 118.]

Amendment of section 484, Code of Criminal Procedure, 1898.

[C. 118A.]

Amendment of section 486, Code of Criminal Procedure, 1898.

[C. 119.]

Amendment of section 481, Code of Criminal Procedure, 1898.

[C. 119A.]

Amendment of section 504, Code of Criminal Procedure, 1898.

[C. 121.]

Amendment of section 506, Code of Criminal Procedure, 1898.

[C. 121A.]

Amendment of section 514, Code of Criminal Procedure, 1898.

[C. 121B.]

Insertion of new sections 514-A and 514-B, Code of Criminal Procedure, 1898.

Provision as to use of security or bond of surety in case of witness to be tried.

Bond required from a witness.

[C. 121C.]

Insertion of new section 518-A, Code of Criminal Procedure, 1898.

Order for custody and disposal of property pending trial or inquiry.

[C. 121D.]

Amendment of section 517, Code of Criminal Procedure, 1898.

(ii) For sub-section (2), the following sub-section shall be substituted, namely:—

"(3) When an order is made under this section, such order shall not, except where the property is livestock or subject to speedy and internal decay, and save as provided by sub-section (4), be carried out for one month, or, when an appeal is presented, until such appeal has been disposed of."

(iii) After sub-section (2), the following sub-section shall be inserted, namely:—

"(4) Nothing in this section shall be deemed to prohibit any Court from delivering any property under the provisions of sub-section (2) to any person claiming to be entitled to the possession thereof, as has executing a bond with or without security to the satisfaction of the Court, engaging to restore such property to the Court if the order made under this section is modified or set aside on appeal."

122. In section 522 of the said Code—

(i) In sub-section (7), after the word "force" wherever it first occurs, the words "or show of force or by criminal intimidation" shall be inserted, and after the word "force" wherever it occurs for the second time the words "or show of force or criminal intimidation" shall be inserted.

(ii) In the same sub-section, after the words "thinks fit," the words "when executing such process at or any time within one month from the date of the conviction" shall be inserted.

(iii) After sub-section (2), the following sub-section shall be added, namely:—

"(3) An order under this section may be made by any Court in appeal or by a High Court when exercising its powers of revision."

123. In section 528 of the said Code, for the words "or the Magistrate" the words "or if the Magistrate" shall be substituted, and after the word "owner," the words "or that the value of such property is less than two rupees" shall be inserted.

124. In section 528 of the said Code—

(i) In sub-clauses (ii) and (iii) of sub-section (2), the word "criminal" before the word "case," and in sub-clause (ii), the word "such" before the word "case," shall be omitted.

(ii) After sub-section (2) the following sub-section shall be inserted, namely:—

"(3) Where any application under this section is rejected or dismissed, the High Court may order that any costs incurred by any person opposing the application shall be paid by the applicant. All costs so directed to be paid shall be recoverable as if they were fees."

(iii) For sub-section (3) the following sub-section shall be substituted, namely:—

"(4) If before the commencement of a day's hearing in any trial or inquiry, or before the commencement of the hearing of any appeal, the Public Prosecutor, the complainant or the accused notifies to the Court before which the case or appeal is pending his intention to make an application under this section in respect of such case or appeal, the Court shall, before the accused is required to enter upon his defence, or before the appeal is heard, adjourn the case or postpone the appeal for such a period as will afford a reasonable time for the application to be made and an order obtained thereon:

Provided that, if in any such case, after the accused has entered on his defence, he desires to apply to the High Court for a transfer of such case to the grounds specified in sub-section (1) (a), he shall be entitled to an immediate adjournment of the hearing upon his entering into a bond, either with or without a surety, conditioned upon his making, within fifteen days thereafter, such application supported by an affidavit by himself or by the pleader appearing on his behalf in which the grounds of such application shall be fully set forth.

Notwithstanding anything heretofore contained, a Sessions Judge shall not be required to adjourn a trial under this sub-section if he is of opinion that the complainant or accused, as the case may be, has had a reasonable opportunity of making such an application and has failed without sufficient cause to take advantage of it."

125. In sub-section (2) of section 527 of the said Code, the word "criminal," where it occurs before the word "case" shall be omitted.

126. In section 528 of the said Code—

(i) After sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Any Chief Presidency Magistrate or District Magistrate may, by general or special order, empower any Magistrate subordinate to him—

(a) to transfer for inquiry or trial any case of which he, or any Magistrate subordinate to such Chief Presidency Magistrate or District Magistrate, as the case may be, has taken cognizance, or in which any proceedings are pending before him, to any other such Magistrate competent to inquire into or try the same, and

(b) to withdraw any case from, or retell any case made over to any Magistrate subordinate to such Chief Presidency Magistrate or District Magistrate, and to inquire into or try such case himself."

[Ct. 194.]
Amendment of
section 522, Code
of Criminal
Procedure, 1898

[Ct. 195.]
Amendment of
section 528, Code
of Criminal
Procedure, 1898.

[Ct. 196.]
Amendment of
section 525, Code
of Criminal
Procedure, 1898.

[Ct. 197.]
Amendment of
section 527, Code
of Criminal
Procedure, 1898

[Ct. 198.]
Amendment of
section 528, Code
of Criminal
Procedure, 1898.

Provided that any Magistrate other than a Magistrate of the first class shall be empowered by the District Magistrate to inspect, withdraw or recall cases under this section.

(c) For sub-section (d) the following sub-section shall be substituted, namely:—

"(d) The head of a village under Madras Regulation XI of 1815 or Madras Regulation IV of 1821 is a Magistrate for the purposes of this section."

231. In section 337 of the said Code,

(i) For clause (A) the following shall be substituted, namely:—

"(A) of any irregularity in any order under section 196 or section 196A or in any proceedings taken under sections 475, 476A or 476B, or"

(ii) In clause (d), the word "want," where it occurs after the words "such error, omission, irregularity," shall be omitted.

(iii) The illustration to the same section is hereby repealed.

232. In section 234 of the said Code, for the word "distress" wherever it occurs, the word "attachment" shall be substituted.

233. After section 339 of the said Code, the following sections shall be inserted, namely:—

"339A. (1) When any application is made to any Court in the course of any inquiry, trial, appeal or other proceeding under this Code, and allegations are made therein regarding any public servant, the applicant may give evidence of the facts alleged in the application by affidavit, and the Court may, if it thinks fit, order that evidence relating to such facts be so given. Provided that no accused person shall be compelled to make any affidavit himself under this sub-section."

An affidavit to be used before any Court other than a High Court under this section may be sworn or affirmed in the manner prescribed in section 263, or before any Magistrate.

Affidavits under this section shall be confined to and shall state separately such facts as the deponent is able to prove from his own knowledge, and such facts as he has reasonable grounds to believe to be true, and in the latter case the deponent shall clearly state that grounds of such belief.

(2) The Court may order any witness and informant named in an affidavit to be struck out or amended.

(3) The Court may order the attendance of any person making an affidavit under this section for cross-examination before the Court.

"339B. (1) Any Judge or Magistrate may, at any stage of any inquiry, trial, appeal or other proceeding, after due notice to the parties, visit and inspect any place in which an offence is alleged to have been committed, or any other place which it is in his opinion necessary to visit, for the purpose of properly appreciating the evidence given at such inquiry or trial, and shall record forthwith a memorandum of any relevant facts observed at such inspection.

(2) Such memorandum shall form part of the record of the case. If the Public Prosecutor, complainant or accused is desirous, a copy of the memorandum shall be furnished to him."

Provided that, in the case of a trial by jury or with the aid of assessors the Judge shall not act under this section unless such jury or assessors have been allowed a view under section 283."

240. After section 340 of the said Code, the following section shall be inserted, namely:—

"340A. (1) At any stage of an inquiry or trial under this Code, where two or more accused are before the Court, if the Judge or Magistrate is satisfied, for reason to be recorded, that any one or more of such accused is or are incapable of remaining before the Court, he may, if such accused is represented by a pleader, disown with his attendance and proceed with such inquiry or trial in his absence, and may at any subsequent stage of the proceedings direct the personal attendance of such accused."

(2) If the accused in any such case is not represented by a pleader, or if the Judge or Magistrate considers his personal attendance necessary, he may, if he thinks fit, and for reasons to be recorded by him, either adjourn such inquiry or trial, or order that the case of such accused be taken up or tried separately."

241. In section 341 of the said Code, the words "with the previous sanction of the Governor-General in Council" shall be omitted.

[CL 312.]
Amendment of
section 196, Code
of Criminal
Procedure, 1898.

[CL 199A.]
Amendment of
section 475, Code
of Criminal
Procedure, 1898.

[CL 339.]
Amendment of new
section 339A and
339B, Code of
Criminal
Procedure, 1898.

affidavits in support of
warrants of process
(contd.)

local inspection.

[CL 310.]
Insertion of new
section 340A, Code
of Criminal
Procedure, 1898.

Provision for
inspector and trial
Judge to be in the
absence of accused
in serious cases.

[CL 332.]
Amendment of
section 112, Code of
Criminal Procedure,
1898.

[CL. 143.]
Amendment of
section 143, Code of
Criminal Procedure,
1933.

143. In section 143 of the said Code—

(1) For clause (8) of sub-section (2), the following clause shall be substituted, namely:—

"(8) Is the payment to any person of compensation for any loss or injury caused by the offence, when substantial compensation is, in the opinion of the Court, recoverable by such person in a Civil Court."

(2) To sub-section (2), the following clause shall be added, namely:—

"(c) When any person is convicted of any offence which includes theft, criminal misappropriation, criminal breach of trust, or cheating, or of having dishonestly received or retained stolen property knowing or having reason to believe the same to be stolen, in compensating any third party purchase of such property for the loss of the same, if such property is restored to the possession of the person entitled thereto."

143. After section 143 of the said Code, the following section shall be inserted namely:—

"504 A. (1) Whenever any complaint of a non-cognizable offence is made to a Court, the Court, if it convicts the accused, shall, in addition to the penalty imposed upon him, order him to pay to the complainant—

(a) the fee (if any) paid on the petition of complaint, or for the execution of the complaint, and

(b) any fees paid by the complainant for serving process on his witnesses or on the accused.

(2) An order under this section may also be made by an Appellate Court, or by the High Court when exercising its powers of revision in any case in which the Court convicting the accused has by error omitted to make such order."

144. In section 547 of the said Code, after the word "Code," the words "and not otherwise specifically provided for," shall be inserted.

145. After section 559 of the said Code, the following section shall be inserted namely:—

"559A. (1) The powers and duties of a Judge or Magistrate under this Code may, subject to any other provisions therein contained, be exercised or performed by his successor in office.

(2) When there is any doubt as to who is the successor in office of any Magistrate, the Chief Presidency Magistrate in a Presidency-town, and the District Magistrate outside such towns, shall determine by order in writing the Magistrate who shall, for the purposes of this Code or of any proceedings or order thereunder, be deemed to be the successor in office of such Magistrate.

(3) When there is any doubt as to who is the successor in office of any Additional or Assistant Sessions Judge, the Sessions Judge shall determine by order in writing the Judge who shall, for the purposes of this Code or of any proceedings or order thereunder, be deemed to be the successor in office of such Additional or Assistant Sessions Judge."

146. After section 561 of the said Code, the following section shall be inserted namely:—

"561A. Nothing in this Code shall be deemed to limit or affect the inherent power of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court."

147. For section 563 of the said Code, the following section shall be substituted, namely:—

"563 (2) In any case in which a person is convicted of an offence punishable with imprisonment for not more than three years, or of an offence punishable under any of the following sections of the Indian Penal Code, namely, 377, 392, 413, 489, 490, 491, and 492, and no previous conviction is proved against him, if it appears to the Court before which he is convicted, regard being had to the age, character or antecedents of the offender, and to the circumstances under which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period (not exceeding three years) as the Court may direct, and in the meantime to keep the peace and be of good behaviour:

Provided that, where any first offender is convicted by a Magistrate of the third class, or a Magistrate of the second class not specially empowered by the Local Government in this behalf, and the Magistrate is of opinion that the powers conferred by this section should be exercised, he shall record his opinion in this effect, and submit the proceedings to a

[CL. 144.]
Amendment of new
section 504 A, Code
of Criminal
Procedure, 1933.

Order for payment
of costs free paid
by complainant in
non-cognizable
cases.

[CL. 144.]
Amendment of section
547, Code of Criminal
Procedure, 1933.

[CL. 145.]
Insertion of new
section 559 A, Code
of Criminal
Procedure, 1933.

Provision for powers
of Judge and
Magistrate being
exercised by their
successors in office.

[CL. 146.]
Insertion of new
section 561 A, Code
of Criminal
Procedure, 1933.

Setting of inherent
powers of High
Courts.

[CL. 147.]
Amendment of
section 563, Code of
Criminal Procedure,
1933.

Power of Court to
release on probation
persons convicted of
certain offences
on condition of good
conduct instead of
sentencing to
imprisonment.

Magistrate of the first class or Subdivisional Magistrate, forwarding the accused to, or taking bail for his appearance before, such Magistrate, who shall dispose of the case in manner provided by section 386.

(2) An order under this section may be made by any Appellate Court, or by the High Court when exercising its powers of revision.

(3) When an order has been made under this section in respect of any offender, the High Court may, on appeal when there is a right of appeal to such Court, or when exercising its powers of revision, set aside such order, and in lieu thereof pass sentence on such offender according to law.

Provided that, when the order under this section is made by a Magistrate acting otherwise than under section 24, the High Court shall not, under this subsection, inflict a greater punishment than might have been inflicted by a Presidency Magistrate or Magistrate of the first class.

(4) The provisions of section 122 shall, so far as may be, apply to all sentences ordered in pursuance of the provisions of this section.

145. For section 385 of the said Code, the following section shall be substituted, namely:—

"385. (2) When any person having been convicted—

(a) by a Court in British India of an offence punishable under sections 215, 428A, 428B, 429C, or 429D, of the Indian Penal Code, or of any offence punishable under Chapter XII or Chapter XVII of the said Code with imprisonment of either description for a term of three years or upwards, or

(b) by a Court or Tribunal in the territories of any Native Princes or State in India acting under the general or special authority of the Governor-General in Council, or of any Local Government, of any offence which would, if committed in British India, have been punishable under any of the aforesaid sections or Chapters of the Indian Penal Code with like imprisonment for a like term,

is again convicted of any offence of the same kind, or punishable under any of those sections or Chapters with imprisonment for a term of three years or upwards by a High Court, Court of Session, Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or any Magistrate of the first class, such Court or Magistrate may, if it or he thinks fit, at the time of passing sentence of transportation or imprisonment on such person, also order that his residence and any change of, or absence from, such residence after release be notified, as hereinafter provided, for a term not exceeding five years from the date of the expiration of such sentence.

(2) If such conviction is set aside on appeal or otherwise, such order shall become void.

(3) The Local Government, with the previous sanction of the Governor-General in Council, may make rules to carry out the provisions of this section relating to the notification of residence or change of, or absence from, residence, by released convicts.

(4) An order under this section may also be made by an Appellate Court, or by the High Court when exercising its powers of revision.

(5) Any person against whom an order has been made under this section, and who refuses or neglects to comply with any rule so made, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(6) Any person charged with a breach of any such rule may be tried by a Magistrate of competent jurisdiction in the district in which the place last notified by him as his place of residence is situated."

146. In Schedule II of the said Code—

(1) In column 1, the figures "435" occurring between the figures "424" and "435" shall be omitted.

(2) In column 3 of the entry against section 213, for the words "Shall not arrest without warrant", the word "Ditto" shall be substituted.

(3) In column 3 of the entry against section 214, for the word "Ditto", the words "Shall not arrest without warrant" shall be substituted.

(4) In column 3 of the entry against section 215, for the word "Ditto", the words "May arrest without warrant" shall be substituted.

(5) In column 3 of the entry against section 216, for the words "May arrest without warrant", the word "Ditto" shall be substituted.

(6) In column 3 of the entry against section 217, for the word "Ditto", the words "Shall not arrest without warrant" shall be substituted.

(7) In column 3 of the entries against sections 213, 214 and 215, for the words "Ditto" and "According to the offence alleged to be liable or not", as the case may be, where they occur opposite the entries "If the offence be not committed", in column 2, the word "Bailable" shall be substituted; and for the word "Ditto" where it occurs in column 3 opposite the entry "If the offence be committed" the words "According to the offence alleged to be liable or not" shall be substituted.

[FC. 126.]
Introduction of
section 435, Code of
Criminal Procedure,
1898.

XXV of 1906.
Order for sending
offices of
proceeding arrested
convicts.

[FC. 126.]
Amendment of
Schedule II, Code
of Criminal
Procedure, 1898.

(3) In column 5 of the entry against section 363, for the words "Not bailable" the word "Bailable" shall be substituted, and in the same column of the entry against section 364, for the word "Ditto", the words "Not bailable" shall be substituted.

(4) In column 5 of the entry against section 374, for the word "Ditto" the word "Bailable" shall be substituted.

(5) In column 5 of the entry against section 385, for the words "Not bailable" the word "Ditto" shall be substituted.

(6) In column 5 of the entry against section 397, for the word "Bailable" the word "Ditto" shall be substituted.

(7) In column 6 of the entries against sections 363, 346 and 357, for the words "Not compensable," "Ditto," and "Ditto," respectively, the words "Compensable when permission is given by the Court before which the prosecution is pending" shall be substituted; and in the same column, for the word "Ditto," against each of sections 344 and 347, the words "Not compensable" shall be substituted.

(8) In column 6 of the entry against section 430, for the word "Ditto" the words "Compensable when permission is given by the Court before which the prosecution is pending" shall be substituted; and in the same column for the word "Ditto" against section 431 the words "Not compensable" shall be substituted.

(9) In column 6 of the entry against section 451 for the words "Not compensable" the following shall be substituted, namely—"Compensable when permission is given by the Court before which the prosecution is pending;" and for the word "Ditto" the words "Not compensable" shall be substituted.

(10) In column 6 of the entry against section 509 for the word "Ditto" the words "Compensable when permission is given by the Court before which the prosecution is pending" shall be substituted; and in the same column for the word "Ditto" against section 510, the words "Not compensable" shall be substituted.

(11) In column 7 of the entry against section 471A for the word "Ditto," the words "Improvement of either description for seven years, or five, or both" shall be substituted.

(12) In column 8 of the entry against section 394, for the word "Ditto," the words "Any Magistrate" shall be substituted.

(13) In column 8 of the entry against section 397, for the word "Ditto," the words "Court of Session, Presidency Magistrate or Magistrate of the first class" shall be substituted.

(14) In column 8 of the entry against section 338, for the words "Court of Session, Presidency Magistrate or Magistrate of the first class," the word "Ditto" shall be substituted.

(15) In column 8 of the entry against section 337, for the words "Court of Session" the word "Ditto" shall be substituted; and in the same column of the entry against section 338, for the word "Ditto," the words "Court of Session" shall be substituted.

(16) In column 8 of the entry against section 359, for the word "Ditto," the words "Court of Session, Presidency Magistrate or Magistrate of the first class" shall be substituted; and in the same column of the entry against section 360, for the words "Court of Session, Presidency Magistrate or Magistrate of the first class" the word "Ditto" shall be substituted.

(17) In column 8 of the entry against section 474, for the word "Ditto" the words "Court of Session, Presidency Magistrate or Magistrate of the first class" shall be substituted.

(18) In column 8 of the entry against section 494, for the word "Ditto" the words "Court of Session, Presidency Magistrate or Magistrate of the first class" shall be substituted; and in column 8 of the entry against section 495, for the word "Ditto" the words "Court of Session" shall be substituted.

(19) In the last entry in the Schedule, in column 2, for the words "less than 1 year or with fine only" the words "a term extending six months but less than one year" shall be substituted, and after the said entry the following entry shall be added—

Compensable when permission is given by the Court before which the prosecution is pending.	Ditto.	Dem.	Ditto.	Compensable when permission is given by the Court before which the prosecution is pending.	...	Dem.
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(20) In the Annexure of Rules 4th (1), 5th (1), 6th and 7th, 1928.

150 In Schedule III of the said Code—

(1) Under Head I (Ordinary powers of a Magistrate of the Third class)—

(a) In item (4), after the word "property" the words "and to dispose of claims to attached property" shall be inserted.

(b) The following item shall be inserted between items (14) and (15), namely:—

(14a) Power to postpone issue of process, section 232.

(c) In item (15), the words, figures and letter "and to require fresh security," section 104A shall be added.

(d) After item (16), the following item shall be inserted, namely:—

(16a) Power to make order as to custody and disposal of property pending inquiry or trial, section 104A.

(e) In item (20), the word "permissible" shall be omitted.

(f) After item (20), the following item shall be added, namely:—

(21) Power to require affidavit in support of application, section 333A;

(22) Power to make local inspection, section 533H.

(b) From Head II (Ordinary powers of a Magistrate of the second class), the following items shall be omitted, namely:—

"(6) Power to postpone issue of process, section 202."

And item (4) shall be re-numbered (3).

(iii) Under Head III (Ordinary powers of a Magistrate of the First class):—

"(2) Between items (5) and (7) the following item shall be inserted, namely:—

"(6c) Power to make orders as to local witnesses, section 133";

"(3) Between items (7) and (8) the following item shall be inserted, namely:—

"(7a) Power to hold inquiries, section 174";

"(3) After item (13), the following item shall be inserted, namely:—

"(13a) Power to require fresh security, section 144a."

"(4) After item (15), the following item shall be added, namely:—

"(16) Power to order released convicts to notify residence, section 165."

(iv) In Head IV (Ordinary powers of a Subdivisional Magistrate):—

"(7) In the heading after the words "Subdivisional Magistrate", the words

"appointed under section 13" shall be inserted;

"(2) the following items shall be omitted, namely:—

"(4) Power to make orders as to local witnesses, section 133";

"(10) Power to hold inquiries, section 174";

"(16) Power to order released convicts to notify residence, section 165."

(v) In Head V (Ordinary Powers of a District Magistrate) in item (3) after the word

"for" the words "keeping the peace or" shall be inserted.

151. In Schedule IV of the said Code—

(i) From the list of powers with which a Magistrate of the first class may be

invested by the Local Government, the following shall be omitted, namely:—

"(3) Power to make orders as to local witnesses, section 133";

"(6) Power to hold inquiries, section 174";

"(16) Power to order released convicts to notify residence, section 165."

(ii) In the list of powers with which a Magistrate of the first class may be invested by

the District Magistrate, item (3), namely, "Power to hold inquiries, section 174," shall be

omitted.

(iii) In the list of powers with which a Magistrate of the third class may be invested

by the Local Government, the following shall be omitted, namely:—

"(2) Power to make orders under section 144";

"(6) Power to be examined for trial, section 206"; and in the list of powers with

which such Magistrate may be invested by the District Magistrate, the following shall be

omitted, namely:—

"(2) Power to make orders under section 144"

152. In Schedule V of the said Code—

(i) In Form VI—

(a) In the ORDER OF ATTACHMENT TO COMPEL THE ATTENDANCE OF A WITNESS, for the

words "Proclamation was duly issued" the words "Proclamation has been

or is being duly issued" shall be substituted, and the words "and he has

failed to appear" shall be omitted.

(b) In the ORDER OF ATTACHMENT TO COMPEL THE ATTENDANCE OF A PERSON APPEARED,

for the words "Proclamation was duly issued" the words "Proclamation has

been or is being duly issued" shall be substituted.

(c) In the ORDER ATTACHING AN ATTACHMENT BY THE DEPUTY COMMISSIONER AS

COLLECTOR, for the words "Proclamation was duly issued" the words "Pro-

clamation has been or is being duly issued" shall be substituted, and the

words "but he has not appeared" shall be omitted.

(ii) In Forms X and XI, after the words "for the term of", wherever they occur,

the words "or until the completion of the inquiry in the matter of" shall be

inserted, and after the words "said term," wherever they occur, the words "or until

the completion of the said inquiry" shall be inserted.

(iii) After Form XII, the following Form shall be inserted, namely:—

31A.

Security bond under section 126, Criminal Procedure Code

In the Court of

His

Whereas I am of the age of _____ years, and residing at _____ have applied to the above

named Court for an adjournment with a view to enable me to move the High Court for a

transfer of the above _____ under the provisions of section 128 (1), clause (a), of the

Criminal Procedure Code, and whereas I have been required to give security to the sum of

Rs. _____ (with one month for Rs. _____) I do hereby bind myself to present within

20 days from the date hereof to the High Court of _____ an application, supported by an

affidavit which shall comply with the requirements of section 128 (3), for the transfer of

the above _____ and, in the event of my making default herein, I bind myself to forfeit

to His Majesty the King-Empress of India the sum of Rs. _____

Dated this _____

day of _____

(25-14.)

Secretary of State

for India, Office of

General Secretary,

14th.

(25-14.)

Secretary of State

for India, Office of

General Secretary,

14th.

I, son of, residing at, hereby declare myself aware for the above-mentioned that he shall within 15 days from this date apply to the High Court for a transfer of the slave and or further under the provisions of section 226, clause (a), and in the event of his making default herein, I bind myself to forfeit to His Majesty the King-Royalty of India the sum of Rs. -

dated this day of (a) In Form XXX (a) in the schedule, for the word "distress" the words "Attachment and Sale" shall be substituted. (b) for the words "distress of the movable" the words "attachment and sale of the" shall be substituted.

(c) In each of Forms XXXVII and XLII, the following amendments shall be made, namely:—

- (a) in the schedule, for the word "distress" the word "attachment" shall be substituted,
- (b) for the words "make distress by seizure of any movable" the words "attach any" shall be substituted,
- (c) for the words "such distress" the words "such attachment" shall be substituted, and
- (d) for the words "movable property distrained," the words "property attached" shall be substituted.

135. Section 32 of the Court-fees Act, 1870, is hereby repealed.

CO. 5407
Viz. 1132.
Revised edition 31,
Court-fees Act, 1870

STATEMENT OF OBJECTS AND REASONS.

A Bill to amend the Code of Criminal Procedure was introduced on the 23rd March 1904, and thereafter referred to Local Governments and administrations.

The Government-General in Council decided to remit the Bill and the various opinions received to a small Committee with a strong representation of the legal professions.

The present Bill is the result of the deliberations of this Committee and its provisions are explained in their Report printed below.

W. H. VINCENT.

A. P. MUDDIMAN,

Secy. to Govt. of India, Legislative Dept.

28th August 1907.

REPORT OF THE COMMITTEE APPOINTED TO CONSIDER AND REVISE THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL.

The Committee assembled in Simla on 18th September, and have sat on twenty-nine days. Sir S. P. Sinha was forced to leave before our sittings were finally completed. We were able, however, to revise the whole Bill while he was still with us, and it only remained to go through the various clauses again for the purpose of checking. Such further alterations as were found necessary in our draft after he had left, have been laid before him, and have his express approval.

The Bill which was submitted for our consideration was introduced in the Legislative Council on March 1894, and was circulated to Local Governments. The criticisms received were noted and examined departmentally, and certain changes were proposed in the Bill, all of which have been carefully considered by us in the light of the opinions expressed. We have also gone through the original Bill clause by clause, and have discussed, frequently at some length, the various amendments which have been suggested.

The detailed conclusions to which we have come will be found in the printed draft of the Bill which we have prepared and the notes on clauses, which are appended as Appendices A and B respectively.

The alterations in, and additions to, the Bill which we propose, as well as the clauses which we accept in originally drafted, are in every case our unanimous recommendations.

The most important questions with which we have had to deal appear to us to be those connected with the following subjects:—

	Provisions of Code	Changes of Bill
1. Enlargement of the powers of investigating officers	157 and 166-173	25 and 29
2. Use of statements recorded by the police	143	27
3. Sanctions to prosecutors	193 and 471	86 and 111
4. Right of reply in trials in the High Court and Sessions Courts	208	27
5. Approval	282 and 283	75 and 76
6. Limitation of fines	285	87
7. Warrants	Ch. XXXIV	104 to 110
8. Applications for transfer	325	126

Some of the amendments we have proposed are necessitated by deficiencies of the different High Courts. Whenever a doubt has been raised as to the meaning of a particular provision of the Code, we have thought it desirable to clear the matter up by express words. Other amendments have been suggested by the criticisms received on the circulation of the Bill, and many are merely verbal alterations which require no special comment.

We recognize that some of the more important questions with which we have dealt are matters of great difficulty, and that there is much to be said on either side. We cannot claim to have provided an absolutely satisfactory solution of all the problems which have occupied the Courts since the Code was last amended, but we have aimed in every case at simplification of procedure, clearness of wording, and prevention, so far as may be of abuses that have been disclosed. We have tried to hold the balance between the requirements of judicial efficiency and the interests of accused persons, but inclining to the latter in every case of doubt.

In the printed Bill, which is Appendix A to this Report, the italics show the changes which we suggest in the original Bill.

We have also prepared a compilation of the sections of the existing Code which are affected by our amendments, showing by italics the proposed changes in form for convenient reference. This has also been annexed as Appendix C.

We desire specially to acknowledge the very valuable assistance which has been rendered to us throughout by Mr. V. De-won, I.C.S., who was deputed to act as Secretary to the Committee.

G. R. LAWRENDS
T. C. POGGOTT.
C. A. KUMARASWAMI SASTRI.
S. P. SINHA.
J. WALKER.

23rd December 1916.

APPENDIX B.

NOTES ON CLAUSES.

Clause 1 requires no comment.

Clause 2.—We accept the amendment of sub-section (2). As regards the proposed sub-section (3), we would confine the amendment to sections 193 and 437 (2). We think it inadvisable that an Additional District Magistrate should be judicially subordinate to the District Magistrate, and would therefore omit the reference to sections 193 and 438, the inclusion of which would produce this result. Assuming that the Additional District Magistrate is granted full powers of a District Magistrate, he would be able under section 437 to call for the record of any case and direct a further enquiry, and could under section 438 (2) transfer the case to his own file.

In that connection we note that section 29 should be amended by inserting the words "section 70 and " before "section 467." We have provided for this in clause 1A.

Clause 3.—We accept this amendment, but would restrict the appointment of Additional Chief Presidency Magistrates to persons who are already Presidency Magistrates.

Clause 4.—Is accepted.

Clause 4A.—See note to clause 2, above.

Clause 5.—Done.

Clause 6.—We are not satisfied that any real difficulty arises under section 40 of the existing Code. The only decision which appears to bear on the point (*Shri Harin v. Lakshmi*, 2 Bom. Law Reporter, p. 530) does not support the Punjab Government's opinion. It will be sufficient, we think, instead of amending the section as proposed by the Bill, merely to substitute the word "appointed" for "transferred" in both places where it occurs in section 40 and to omit the words "continue to."

Clause 7.—We have agreed this clause, omitting several of the sections which it was proposed to include therein.

Clause 8 (1) (i)—Is accepted.

(ii).—We are opposed to the inclusion of any of these sections, and would therefore reject this sub-class. There is, so far as we know, no present necessity for the inclusion of offences relating to dacoity (sections 365-364). If occasion should arise in any district, the matter could be dealt with under section 45 (7) (f) of the present Code.

(iii).—We have redrafted this sub-class.

(iv).—Is accepted.

Sub-class (2) is accepted.

Clause 2A.—The Committee are of opinion that an amendment is required in section 14 (1) *first*, to meet the case of a requisition from a police-officer to arrest a person at a distance. We think it is clear that there should be power for an investigating officer to require by telegram the arrest of a person who may, perhaps, have absconded from the place

where the investigation was taking place. We, therefore, propose to add at the end of section 51 (2) *first* the following words, "or for whose arrest a requisition has been received from a police-officer who might lawfully have made the arrest himself."

We also propose a new sub-section (3) at the end of this section; see our note to clause 3.

Clause 5 *B*.—We consider that a police-officer making an investigation should, as long as he is acting as a police-officer, have power to depose a subordinate in effect on oath under the provisions of section 55 (1), and we propose an amendment in this sub-section accordingly.

Clause 6.—We are of opinion that it would be unwise to empower private persons to arrest in cases which involve suspicion only, but we think that it would be desirable to confer this power specifically on village officers, and this will be effected by the new sub-section (2) which we have proposed to section 54 (see note to clause 8-A above). We have therefore omitted from this clause the power proposed to be conferred on private persons to arrest on suspicion only, and have also slightly altered the wording of the clause.

Clause 15.—We think that no sufficient case has been made out for the amendment proposed by this clause, and we would reject it.

Clause 17.—We have partly amended this clause as to provide (a) for the continuance of proceedings by the legal representative of a deceased or objector who may die pending the enquiry into his claim or objection; (b) for the case of claims to property in another district from that in which the order of attachment was made; and (c) a period of limitation within which proceedings in a civil court to establish a claim which has been disallowed by a Magistrate must be instituted.

Clause 18.—We accept the proposal of the Bill to penalise an unreasonable refusal or neglect to attend as a search witness, but would make it a condition precedent that the person in question should have been required to attend by an order in writing from the police-officer. In order to make this clear we have in addition to the new sub-section (3), made a small amendment at the end of sub-section (2).

We think that the power thus given to the police, practically to compel the attendance of respectable witnesses from as near as possible to the place where the search is to be effected, should go far to put an end to the objectionable practice of bringing semi-professional search witnesses from a greater distance, and will also prevent the intimidation of witnesses by the unreasonable refusal of witnesses to attend, which we understand, is by no means uncommon. If executive instructions are issued to the police that, with this new sub-section to back them, they are, whenever possible, to require the attendance of respectable witnesses from the immediate vicinity, we think that a considerable improvement will be effected.

We doubt if it would be wise to enact the new sub-section (4) proposed by the Bill, and we recommend that it should be omitted. We think that it will be sufficient to rely upon the law as expressed recently by the Full Bench in *Madras (L.R. XXXIV Mad. 243)* which shows that the facts with reference to a search may be proved otherwise than by the production of the search list.

Clause 19 (1).—We do not like this amendment. We would, however, re-draft section 116 (1) as shown in the amended Bill. We think that it is better to enlarge the scope of this section by including all offences under Chapter VIII of the Penal Code, than to involve the court in an enquiry whether the offence of which the accused has been convicted, though not involving a breach of the peace was nevertheless likely to have occasioned a breach.

(a).—We accept this amendment, which we think is only carrying out the intention of sub-section (2).

Clause 12-A.—We propose an amendment of section 107 (d), which is explained in our note to clause 15 (see at end).

Clause 14.—Is accepted.

Clause 16.—We agree that habitual offenders should be brought under this section but doubt the necessity of any reference to education. We think that it is desirable to include all offences under Chapter XIII of the Indian Penal Code, and also habitual offences. We have included "bribe" in section 118 (a), and have re-enacted (a) in accordance with this note.

Clause 16.—We accept the proposed amendment of section 117 (3), which we have re-enacted as sub-section (4).

We have re-drafted the proposed new sub-section (5), and would bring it in as sub-section (3).

We think that an amendment is also required in sub-section (2). Being that no charge has to be framed, there would appear to be no reason to allow the accused to cross-examine the prosecutive witnesses, and we have accordingly provided for this at the end of the sub-section.

It has been suggested that the words "general repate" in the old sub-section (2) [now sub-section (4)] require elucidation. We are not prepared, however, to attempt this either by definition or by an illustration. We would, however, omit the words "or otherwise," which follow "general repate." Consequently the meaning of the sub-section which is referred to above, sub-section (4) will now become sub-section (5).

In this connection we also recommend an amendment of section 137 (4), as we think that the powers conferred by the sub-section as it stands are unreasonably wide. We think that it will be sufficient that the Magistrate should have power to detain the accused in custody "pending further action by himself under this Chapter," and we have made this change by clause 133A.

Clause 17.—We think that it would be a mistake to attempt any definition of "witness" for the purpose of acceptance as a treaty, and we recommend that section 122 (in the BH 122 (1)) should be left unaffected, except by adding at the end the words "for the purposes of the bond."

We accept the principle of the new sub-section (2) proposed by the Bill, but we think that the supply should be laid upon oath, and that the Magistrate should be bound to accept the substance of the evidence adduced before him. We propose however to re-draft this sub-section, putting it partly as a proviso to the existing section 122 [now 122 (1)] and partly as sub-sections (3) and (4) [see in our draft of the Bill].

We also think that there should be a general right of appeal against the rejection of a party in such proceedings, and that provision should be made for requiring fresh security when a party either dies or becomes insolvent, but in no other case. We have provided for these recommendations by section 495-A [see c. 94] and section 514-A (s. 121).

Clause 22.—We accept this clause, with two small additions which require no comment, but would recommend it as sub-section (2B). We think that where security has been demanded from two or more persons, each as one of whom only may be ordered to give security for more than a year, all the parties then, whose security is demanded (unless any of them prefer to give the security) should be dealt with by the Sessions Judge. We have inserted a new sub-section (2A) to provide for this, and would bring in sub-section (2A) of the original Bill after it as (2B).

Clause 23.—We agree to the first amendment proposed by this clause, but would reject the second. We have enlarged the term "building" to include a tent or other structure.

We agree to the inclusion of dangerous animals in the section, and would also refer to dangerous trees.

This section also requires certain other small amendments, and we have therefore thought it desirable to re-draft it generally.

Clause 25.—We would reject this clause, but would propose in lieu thereof an amendment of section 126.

We think that the only question to be left to the jury should be whether the reasons stated by the Magistrate to be taken are reasonable and proper, and in view of the decision in LLR. XXX, A.R. 364, we think it desirable that this should be made clear.

If the person against whom the order is made denies the existence of a public right over any way river, etc., we think that this question should be decided by the Magistrate and that his decision should be final for the purposes of this Chapter.

We also think that it should be made clear that a party may both dispute the public right and at the same time, in the alternative, claim that the question whether the measures directed are reasonable or not should be referred to a jury.

A small amendment is also required in section 125 (a) by reason of the amendments we have proposed in section 133.

Our recommendations under this clause have necessitated a further breaking up of the section, as shown in our draft of the Bill.

Clause 25A.—We do not think that powers under section 144 should be granted to a Magistrate of the third class, and we have provided for this by a small amendment in section 144 (2). See also clause 44 amending section 206 (4) in the same way.

Clause 27.—It has been suggested that the whole of Chapter XII might be omitted from the Code, but we are not prepared to recommend this.

Section 143 (2).—We do not agree to the proposed substitution of "may" for "shall" in this sub-section. We think that under the circumstances repeated the making of an order should be, as it is now, imperative. We propose however to insert the words "Presidential Magistrate" in the first part of this sub-section.

Section 145 (6).—We accept the amendment proposed by sub-clause (5) of the Bill. We think that this is a more logical carrying out of the amendment made in 1908.

We also think that this sub-section should apply not only to the case of a party in actual possession, but also to one who is to be treated as being in possession under the proviso to sub-section (6) and we have amended sub-section (6) in this sense.

Section 145 (7).—We have expanded this sub-section, which deals with the death of a party while the proceedings are pending, in accordance with sub-clause (iii) of the Bill.

Section 145 (8).—[Sub-clause (ii) of the Bill]. We accept this amendment, with the omission of the words "or that such an order will be to the benefit of the parties," which we think would often allow too wide a discretion to the Magistrate.

Clause 24-A.—We recommend the addition of a proviso to section 145 (2), to meet the case of an apprehending apprehension of a recourse by the civil court.

Clause 22.—We have largely redrafted section 157 so as to clear by the Bill, and the further amendments we propose require no further comment.

Clause 21.—We accept this clause, but would make a further addition to section 145 (3), specifying what costs may be awarded.

Clause 24.—We are not prepared to accept the amendment proposed by this clause. The difficulty suggested by L.L.D. K.K.V. Bandy on page 137 will, we think, be met by the amendment which we propose in section 151 (3) [see clause 24-B].

Clause 25.—Section 157 (1).—We accept the amendment proposed by sub-clause (i) of the Bill.

In view of certain further amendments which we recommend in this Chapter in the direction of increasing the powers of an investigating officer, as distinct from an officer in charge of a police-station [see the definition in section 4 (2) (a)], we propose to confine the term "subordinate officers" in this sub-section to officers not below the rank of a sub-inspector. This is in accordance with the recommendation of the Police Commission.

[Section 157 (2)].—We accept the amendment proposed by sub-clause (2), but would leave it to the local Government to prescribe the manner in which the communication shall be made.

Clause 25.—We accept the principle of this clause, but would leave it to the local Government to prescribe the rank of the police-officer.

Clause 27.—The amendment of section 161 has been discussed at great length by the Committee. It has been the subject of amendment before, and of constant difficulty in the courts. We therefore propose to restate the section, and we think that a rest as to its previous history will be instructive.

2. Under the original Code of 1801 (section 157), a police-officer could examine potential witnesses and reduce their statements to writing, but the writing was not to be part of the record or used as evidence. The Code of 1852 maintained the above provisions nearly adding (section 113) that no person when examined by the police should be bound to answer incriminating questions. The only material change made by the Code of 1882 to section 157 was that, instead of the provision that the statement when so reduced to writing should not be used as evidence, it was provided that no statement made by a witness if reduced to writing should be used as evidence against the accused, thus making it clear that the provision in question was intended for the benefit of the accused.

3. The new section did not lay down in terms that the accused might not use the written record of a witness' statement for the purpose of his defence, and indeed it rather suggested that he was entitled to do so. Accordingly cases occurred in which the accused demanded to see the statements which the police had taken down, in order that he might use, for the purpose of his defence, anything that appeared therein to his advantage, and the Calcutta High Court ruled that he was entitled to do so. The Allahabad High Court, on the other hand, held that the writings in effect formed part of the police-diary, and were therefore privileged from inspection, and this was the position which stood to be dealt with when the Amending Act of 1895 was under consideration. There was evidently a good deal to be said on both sides, as will appear from the report of the Select Committee on the Bill which is quoted in *extenso* below. The Bill as introduced proposed to adopt the Allahabad view, and put statements of a witness when recorded by the police under section 151 on the same footing as police-diaries, and would only allow them to be used to the same extent as such diaries under section 172, i.e., in effect ensuring that the accused should not have access to them at all, when the police officer, used them for the purpose of refreshing his memory, in which case the accused would be entitled to see them and cross-examine on them.

4. The present section 152, which was embodied in the Act of 1895, was the result of a compromise in the Select Committee, whose report was in the following terms:—

"Clause 152.—This clause, as drafted, proposed to affirm the decision of the Allahabad High Court, which was in conflict with the decision of the Calcutta High Court. The Government of Bengal, the North-Western Provinces, Madras, Bombay and Burma and most of the authorities consulted approve the decision of the Allahabad High Court, but the queries involved (namely, whether the accused is entitled to inspect statements taken down by the police under section 151) is full of difficulty. In the first place, it is essential in the interests of public justice, that the accurate police information should

be kept secret. If the names of informers or detectives and the nature of their information be disclosed, the detection of crime would be seriously crippled. In the second place, it is unfair to a witness that his evidence should be destroyed on the strength of an alleged statement made to a policeman, which he may have had no opportunity of verifying or correcting. Such statements must necessarily be often taken down hurriedly and may be incorrectly copied out. They are not taken down as depositions, or with regard to the rules of evidence, but merely to aid the police in the course of their investigations. But, in the third place, it may be most important for the accused to show that a witness called for the prosecution is telling a story substantially different from that which he told when first questioned by the police. We have endeavored to remedy these conflicting interests by referring to the language of the Codes of 1861 and 1879, and adding a proviso compelling the Court, on the application of the accused, to refer to such statements, and then empowering it in its discretion to allow him to have copies of them. We then provide for the mode in which these statements are to be used. It is clear that a witness ought not to have his credit impeached on the strength of a statement alleged to have been made to a policeman, unless and until it is shown that he has made that statement."

5. The result was not altogether a happy one. It will be noticed that the section deals mainly with the writing, and exacts that it shall not be used as evidence, with a proviso that the Court may in its discretion direct the accused to be furnished with a copy of it—presumably only in order that the accused may know that there is something in the writing which may help his defence—and goes on to say that the statement (i.e., what the witness said to the police-officer) may be used in the ordinary course to impeach the credit of the witness, absolutely implying that for this purpose it must be duly proved.

6. It seems clear that all that the amendment of 1886 intended to effect was to make it clear that the accused had no right to call for or see the record of any statements taken down by the police under section 161, unless the Court thought that in the interests of justice he should be allowed to do so. It did not purport to deal with, and has left untouched, the further question whether or not a statement made by a witness under section 161, or apart from the written record of the statement, might be used by the prosecution for the purpose of corroborating one of their witnesses under section 157 of the Evidence Act, and this is of all events one of the principal difficulties with which we have to deal now.

7. The redraft of the section which we propose will make it clear that the statements taken down under section 161 need not merely the written records of such statements are set to be used in any way or for any purpose except as allowed by the proviso. Having regard to the fact that the making of such statements is compulsory under section 162, and is the way in which, and the circumstances under which, they are usually recorded, we do not think that they are of any corroborative value where the witness merely repeats the same statement in Court, and that they ought not therefore to be allowed to be used for the purpose of corroboration under section 157 of the Evidence Act. If the really material fact to the prosecution is that a statement was made to the police at a particular date or at a particular place, this fact will of course still be provable in the ordinary course, and it will be open to the Courts or to a jury to make any proper deduction from this fact and the action which was taken on it. The amendment will also, we think, make it clear that if the accused wishes to rely on anything in the previous statement of a witness to the police, of which he has been allowed by the Court to have a copy, he will have to prove it in the ordinary way. If the witness admits this is *concocted*, it will of course be sufficient; if he denies the contradiction, and the police officer who took it down is called by the prosecution, the previous statement of the witness on the point may be proved by him: if he is not called by the prosecution, the Court would no doubt itself in most cases call him, or if the accused is calling evidence in support of his defence, it may be worth his while to call the police-officer himself. But it is clear that unless the previous contradictory statement is proved in some way in accordance with law, it ought not to disprove the witness' statement on oath. It will be observed that under our amendment, if any part of the previous statement of the witness is used for the purpose of re-examination by the accused, any other part of it may be used by the prosecution within the proper limits of re-examination. This is, we think, the only way in which the previous statement ought to be allowed to be used by the prosecution.

Clause 28.—We accept this clause with a slight verbal alteration.

We also propose a small amendment in section 165 (3), to provide that the thing for which search is to be made shall be specified as far as possible.

Clause 29.—We accept this clause with some verbal alterations.

We have proposed an additional amendment in section 166 (1) and (3), in order to make the provisions of this section available also to an investigating officer who is already invested with the ordinary powers of search under a W.O.

We also propose a similar amendment in sections 157, 168, 170, 171 and 173.

Clause 30.—We think that the amendment proposed by this clause will be better effected as shown in our redraft.

Clause 21.—See our note to clause 22. In this case we think that the investigating officer may be substituted for the officer in charge of the police-station.

The provisions of sections 109 and 110 are, we think, intended to apply only in the case where an investigation has been completed, and we propose to make this clear by an amendment in the first line of the sections.

Clause 22 *et seq.*—Here again in the proviso we think that the investigating officer may be substituted for the officer in charge of the police-station.

Clause 23.—We accept this clause with a similar substitution to that in the preceding one, and a verbal alteration in the new subsection (1) (b).

Clause 24.—Is accepted.

Clause 25.—We accept this clause, but would enlarge the enumeration of offenses to include the possession of stolen property. This will also cover the case of extortion, as the definition in section 410, Indian Penal Code.

Clause 26d.—Certain decisions of the Madras High Court seem to make it doubtful whether section 188 is subject to the provisions of sections 179-184, and we think it is desirable to clear this up. We are not satisfied that this was the intention of section 188, and in our opinion it is safer, when a man is tried in British India in respect of an offence committed in a Native State, to require the Political Agent's certificate in every case. The amendment which we propose will make this clear.

Clause 27B.—See our note to clause 26. We do not think that the term "police report" in section 192 (2) (b) was intended to be a technical expression, but was used to cover any report made by a police-officer, and our amendment will make this clear.

Clause 28.—It is suggested that section 192 (2) might be amalgamated with section 226, but we see no reason to accept this suggestion, and we think that it is a mistake to allow the amalgamation of sections, with which Magistrates and legal practitioners have been long familiar, without actual necessity.

We also think that there is no necessity to bring in a Chief Presidency Magistrate in section 195 (2), as his powers are already sufficiently provided for by section 21 (f), especially having regard to the amendment we have already proposed for appointing Additional Chief Presidency Magistrates: see clause 3.

We would therefore reject this clause of the Bill.

We propose, however, to omit from section 195 (2) the words "in the case of Assistant Sessions Judges." The section, as it stands at present, makes a distinction between Additional Sessions Judges and Assistant Sessions Judges, only allowing transfers by the Sessions Judge in the case of the latter. It has been brought to our notice that in the Bill, which resulted in the Amending Act of 1894 it was proposed that the Sessions Judge should have power to transfer in both Additional and Assistant Sessions Judges, and there is nothing in the Report of the Select Committee to indicate why the power was eventually limited to the case of Assistant Judges only. Considerable inconvenience has been felt owing to this limitation, which we propose to remedy by the omission of the words referred to above, and we think that this amendment may come in here as clause 30.

Clause 30.—The provisions of section 195 come constant and great difficulty, and various amendments have been suggested which we have considered at length. We have no doubt that it will not be possible to remedy the evils which are connected with this section so long as private individuals are allowed to prosecute for offences connected with the administration of justice. In our opinion the only effective way of dealing with this section is to allow prosecutions to be launched only by the Court, or its authorized agent by the Local Government, who will as a rule before long be represented in such action in many provinces by a Director of Public Prosecutions.

We see no reason why either the Court or the Local Government in such cases, where it is of opinion that the interests of justice require that an enquiry should be made into any offence of this nature, should not file a complaint exactly in the same way as a private individual would do in other cases; and our proposals in connection with this section and the amendment of section 478 involve the adoption of this principle. In our view, section 195 should bar the opportunity by any court of offence of this nature except upon such complaint, while the procedure to be followed when either the Court or the Local Government desire to prosecute should be prescribed by section 478.

The adoption of this principle will at all events get rid of the objectionable practice of keeping a person, which has been granted to a private individual, hanging over the head of the accused person for a period of six months, which is frequently utilized for the various purposes of blackmail. In the case of a complaint by a Court or the Local Government, we do not think that it will be necessary to prescribe any limit of time.

It will also, in our opinion, be a distinct advantage to get rid altogether of the term "section" in connection with these prosecutions, a result which will be effected by the amendments we propose.

It will be observed that the actual changes in section 195 are not extensive. Subsections (1), (5) and (6) will be omitted, inasmuch as the procedure in connection with these complaints will now be fully provided for by our amendments to section 478. We

think that sub-section (7) will come in best after the definition of the term "court" by sub-section (5) (in which we have proposed a slight verbal amendment), and sub-section (5) will be numbered (6).

The amendments which we propose in sections 170 are dealt with in our note to clause 111.

We recognize that section 185 (7) (a) stands on a somewhat different footing from (b) and (c), but we think that there is no reason to retain even in its any reference to a sanction, as prosecutions under (a) can reasonably be brought in all cases on the direct complaint of a public servant.

Clause 37.—We recognize the difficulty that has led to the proposed amendment, but we think that it may be better met by leaving sections 195 and 196-A as they stand and inserting a new section 196-B immediately after them, as is proposed by our amendment. This new section will allow a preliminary enquiry to be made in cases covered by sections 195 and 196-A by a police-officer (or below the rank of an Inspector, and this should we think, be sufficient to meet the difficulty which has been referred to.

Clause 38.—Is accepted.

Clause 39 and 40.—We have redrafted the previous proposed by these clauses to sections 198 and 199. We think that the proviso to section 198 should include the case of a parish vicar, and that the reference in each case to a minor should be confined to persons under the age of 18; see the provisions of the Indian Majority Act, IX of 1875.

We have also added a new section 199A to safeguard the rights of a legally appointed guardian.

Clause 41.—We accept the principle of this clause, but would require the complaint by a public servant to be signed by him in order to attract the operation of the clause.

Having regard to our proposals with reference to sections 195 and 476, we would add to this clause a provision that in the case of a complaint under section 476 the examination of the complainant shall be dispensed with.

Clause 42.—We accept the amendments proposed by this clause, but would bring in the new sub-section (4) as (2A).

We have made another small amendment in section 302 (7), to cover cases which have been transferred to a Magistrate under section 195, as well as cases of which he has taken cognizance himself.

It has been suggested that a Magistrate should also be empowered if necessary to order a personal inquiry or investigation, if the first person to be insufficient, but we are not prepared to recommend an amendment to this effect.

Clause 43.—We have redrafted this proposed amendment.

Clause 44.—After considering the difficulties which this clause is intended to meet we think on the whole that the form of words at present appearing in section 209 (2) is at least as clear as that proposed to be substituted for it. The wording of the Code may not be ideal, but in us, we think, reasonably clear, and we are not prepared to suggest any amendment, and would reject this clause of the Bill.

A small amendment is, however, required, we think, in section 205 (7), and we would bring this in here as clause 44. The amendment we propose is on the same line as that of section 144 (7)—see our note to clause 20-A.

Clause 45.—We would reject the amendments proposed by the Bill. With reference to the amendments of section 210 (7), see our note to the preceding clause. With reference to the proposed new sub-section (7A) we think that provision for this already exists under the last words of section 209 (7).

We would, however, propose a verbal amendment in section 210 (5), to meet a suggestion of the Bengal Government. This can come in as clause 45 of the revised Bill.

Clause 46.—We reject this amendment: see our note to clause 46.

Clause 47.—We think that supplementary witnesses should only be examined by a Magistrate other than the examining Magistrate in the case of the absence of the latter, and we have provided for this in our draft of the clause.

We accept the second amendment made by this clause, which is desirable in the interests of the accused.

Clause 48.—We accept this amendment, but have inserted the words "or to punishment of a different kind" after the words "enhanced punishment." This, we think, is required.

See, in connection with this clause, clause 56-A.

Clause 49.—Instead of the illustration proposed by this clause, which we do not like, we have inserted words in section 224 (7) which will at all events make it clear that in several cases may be charged at one trial with three offences of the same kind though committed against different persons. The addition will, we think, cover the difficulty which has been referred to, in most cases.

We have also added a proviso to section 224 (2), which we think is required. Sections 279 and 281, Indian Penal Code, refer to theft and theft in a building which should clearly be treated as offences of the same kind, and we think that it should be provided specifically that an attempt to commit an offence, where such an attempt is prohibited by any law, is of the same kind as the actual offence.

Clause 40.—We accept this amendment: see clause 51 (2A), where the provision struck out here is re-enacted.

Clause 51.—See last clause.

Clause 52.—We accept this clause with certain verbal modifications, and have added a new sub-section dealing with offences under sections 411 and 414, Indian Penal Code.

Clause 53.—We accept this amendment which is, we notice, only reverting to the wording of the 1872 Code.

Clause 54.—The difficulty intended to be dealt with by this clause rests upon the words "process to compel the attendance," as seems clear from the Calcutta decisions. We think that the only alteration really required is to substitute for the words referred to above the simpler expression "a summons to any witness directing him to attend etc." This, we think, will make section 90 clearly applicable, which is, in our opinion, all that is required.

We have also made a verbal amendment at the beginning of section 244 (2).

Clause 55.—We accept this amendment, see also clause 53 where the same amendment is to be made.

Clause 56.—We accept the amendments proposed, with two alterations. (i) We would make it clear that an accusation to come within section 250 must be false as well as either frivolous or vexatious; and (ii) we would increase the limit of compensation from Rs. 50 to Rs. 100. We think that this increase is amply justified by present-day conditions. We do not think that this increase will, having regard to the provisions of section 404, make orders under section 250 appreciable where they are not so at present.

We have expanded and re-enacted sub-section (2), and would bring it in as a new sub-section (3 C).

The amendment which we propose at the end of sub-section (4) is to provide for cases in which, though there cannot be an appeal, the acquittal or discharge of the person to whom compensation has been awarded may be set aside in certain cases. The period of one month which we have allowed should be ample to admit of application being made to the superior court.

Clause 56-A.—We think that this addition is necessary after section 255, to provide for a case where previous conviction is also charged. Definitely provision is made for this in the case of trials before a Court of Session (see s. 310), but it does not seem to have been provided for by the Code in the case of a Magistrate's trial.

Clause 57.—We think that merely to insert the word "forthwith," as proposed by the clause of the Bill, might in some cases cause hardship to the accused. We think that the ends of justice will be sufficiently met if he is required to state, "either forthwith, or if the Magistrate thinks fit, at the commencement of the next hearing of the case," whether he wishes to cross-examine or not. It may happen that up to the time of a charge being framed the accused is not professionally represented, and it seems reasonable in such a case that he should be given until the next hearing to engage a pleader and decide what witnesses he will cross-examine.

Clause 58.—Is accepted.

Clause 59.—We think that no useful result follows from attempting, in ordinary complaint cases to force the complainant to go on against his will. We would therefore strike the words "and the offence may be lawfully recompensed" in section 268, as has been suggested by the Bengal Government. We think that the requirements of justice will be sufficiently safeguarded by the discretion which is already vested in the Magistrate under the section.

The amendment we propose will take the place of that intended by the original Bill.

Clause 60.—This clause proposes to add certain offences to the list of those which can at present be tried summarily. Offences under sections 233 and 235-A, Indian Penal Code, involve proof of negligence, and we doubt if a question of this sort should be made the subject of summary trial. Offences under section 308, which the Bill proposes to bring under this category, are also, we think, alienated to this mode of trial.

On the other hand we think that, of many offences which have been suggested, that of the offence of attempted suicide under s. 309, which is usually not of a serious nature, might well be included in this section. This however is the only amendment which we are prepared to support under this clause.

Clause 61.—We agree to the inclusion under section 351 (c) of offences under section 304, as proposed by the Bill. This section deals with the summary powers of second and third class magistrates only, and we think that the second amendment proposed by this clause,

which would include all offences against laws other than the Penal Code punishable only with fine or one month's imprisonment, purchase of the nature of a larcin in the dark. We do not think, for instance, that offences under the excise acts or against forest laws should be dealt with under this section, and without a detailed examination of the statute book generally it is impossible to say which offences under other acts would be suitable for inclusion. If it were thought desirable in a particular case, the matter could be dealt with by amendment of the particular act. We propose, therefore, to leave the section as it is in this respect. We propose, however, to add at the end of section 261 (4) the words "with or without fine," which are clearly desirable.

Clause 61.—This amendment supplies what appears to have been an accidental omission in the amending Act of 1906, which added the words "and in Chapter XVIII" at the beginning of the section.

Clause 62.—We accept the principle of the proposed amendment, but we think that the third proviso to section 170, with which the clause deals, should be brought into line with similar amendments which we are proposing in sections 315 and 316 (see clauses 73 and 76). It is true that the Chief Court of the Punjab does not ask to be brought under this section, but seeing that by the time this Bill can be passed, the Punjab will in all probability have, or be on the verge of having, a High Court of its own, we think that there is no necessity specifically to exclude it from an amendment which is otherwise desirable.

Clause 63.—We are not prepared to support the amendment proposed by this clause, which we think is dangerous, and we should prefer its omission.

Clause 64.—This is on the same footing as the preceding clause, and we would reject it.

Clause 65.—We have discussed this clause in connection with clause 47, and we recommend that it should be omitted from the Bill. The proposal is that no witness should be examined in a Sessions Court who had not been previously examined before the Magistrate, either at the original inquiry, or under section 268. It happens not infrequently that a person is named for the first time during the cross-examination in the Sessions Court when it is obviously desirable that the prosecution should call, and we think that it would be altogether against the interests of justice that the Code should make this impossible.

Clause 66.—We think that the purpose of this amendment would be better served by declaring that the depositions with which section 258 deals should be treated as evidence in the case "for all purposes."

We have also made another small amendment in the section, to cover the case of evidence recorded by a Magistrate other than the committing Magistrate: see our amendment in clause 47.

Clause 67.—We are of opinion that, in any trial before a High Court or Court of Session, the defence should have the last word, unless any witness has actually been examined by the accused, or any of the accused, on his own behalf. This question has been much discussed in High Court trials, and the principle which we recommend has received general acceptance. The section has been amended before, but the doubt still exists, and we think that the law on the subject should be made perfectly clear.

We are not prepared to accept the proposals contained in this clause of the original Bill.

Clause 68.—Is accepted.

Clause 69.—We accept this clause with some verbal alterations.

We think, however, that a further amendment is required in section 307, to provide for the case of a person who is also charged with a previous conviction under section 310. It seems obvious that if the Judge disagrees with the verdict of the jury on the principal charge, and submits the case to the High Court, it is desirable that the record should be complete. We propose therefore to insert at the end of section 307 (7) a provision for the trial of the further charge under section 310.

Clause 70.—We think that the power of questioning the witnesses should be confined to ascertaining what their opinions really are and that scope should not be allowed for their cross-examination. We have redefined the last part of the clause in this sense.

We accept the amendment proposed by the latter part of the clause.

Clause 71.—We have largely remodelled this clause but without material alteration. The word "and" at the end of (5) clearly ought to be "or" and "and" as in the existing section, and the first part of (6) has already been provided for by our reform of clause 63.

Clause 72.—We accept the clause as drafted, with the substitution of "may" for "shall."

Clause 73.—We think that the restriction of section 315 to Presidency towns is probably a survival from the time when High Courts existed only in such towns. It is clearly

necessary now to make provision for the summoning of juries for trials in every High Court, and we think that the most convenient form of amendment is that proposed in our revised Bill.

We accept the amendment proposed by the latter part of this clause.

Clause 74.—Our redraft of this clause is in accordance with clauses 32 and 73.

Clause 75.—We have discussed this clause at great length and were at first disposed to amend the whole procedure under sections 357 and 358, but eventually we came to the conclusion which we embodied in our present redraft. The principal alterations which we propose are as follows:—(i) We would make section 357 applicable in the case of any offences punishable with imprisonment up to 7 years, as additional to those trials exclusively by a Court of Session or High Court; (ii) we would restrict the power of granting a pardon to Sub-Divisional Magistrates and to certain cases to Magistrates of the first class; and (iii) we would provide that every case in which an approver is examined before the Magistrate should, if a prima facie case is made out, be committed for trial to the Court of Session or High Court, or transferred to a Magistrate with powers under section 35.

We have kept up section 357 (f), the first part of it coming in more appropriately at the end of sub-section (7), and the latter part being unnecessary in view of our new sub-section (2-A).

We have also thought it desirable to make it clear that sub-section (7) applies to the Court of the Magistrate holding the original enquiry. It may happen that the approver's deposition before the Magistrate is not in accordance with previous statements which he may have made to the prosecution, and on the strength of which the conditional pardon was granted. In such a case the prosecution are obviously entitled to exercise a discretion as to calling him at the trial.

Clause 76.—This clause deals with the prosecution of an approver who has broken the conditions of his pardon. We accept the principle of the first amendment proposed by the Bill, which provides that the approver when so tried may plead that he has complied with the conditions of the pardon.

We think, however, that it should be for the prosecution to decide whether he should be so prosecuted, and we would reject the proposals of the second and third sub-clauses, which provide that no such prosecution should be launched without the sanction of the Magistrate by whom the pardon was granted.

We are also of opinion that an approver should always be tried separately from the other accused, and we would make it clear that it will be for the prosecution to prove affirmatively that the conditions of the pardon have been broken.

We have submitted the clause on these lines.

Clause 77.—Is accepted.

Clause 78.—This clause proposes to extend the offences which are punishable with the penalties of the Court. We think that it would be a mistake to include among them other lèse-majesté (section 494, Indian Penal Code) or cheating (section 417, Indian Penal Code) and we propose to omit the references to these sections.

We agree in the inclusion of the other offences referred to in the clause, and would also add offences under section 439, Indian Penal Code (mischievous in connection with waterworks).

We think that the scheduling of these offences on the lines of section 345 (7) is an improvement.

We accept the amendment proposed by the new sub-section (2-A), but would re-number it as sub-section (4).

We have re-drafted the proposed amendment of section 345 (4) on the lines of our amendment of section 158; see clause 38; and have re-numbered this sub-section as (2-A).

We have also made a small verbal amendment in section 345 (1), substituting "specified" for "described," and have added explanatory words at the end of sub-section (5).

Clause 79.—Is accepted.

Clause 80.—We have altered the wording of the first part of the amendment proposed by the Bill on the lines of section 329 (1); see our note in clause 44.

We have also slightly altered the wording of the second part of this clause to provide for the power of discharge, and have proposed a verbal alteration in the proviso to section 348.

Clause 81.—We have slightly altered the wording of this clause.

Clause 82.—We accept the amendment proposed by the Bill.

We also propose a small addition at the end of section 350 (2), and have added a new sub-section (4) to deal with the case of the absence from a bench of Magistrates of one member who was sitting at the previous hearing of the case.

Clause 83.—There has been a considerable body of opposition to the amendment proposed by this clause, and after careful consideration of the various interests involved, we have come to the conclusion that the clause should be omitted.

Clause 34.—We accept the amendments proposed by the Bill, the second of which, we think, only expresses what would seem to be the existing law.

We also think that the opening words of section 362 (1) require amendment. As the section stands, it seems to imply that a Presidency Magistrate, before he commences his inquiry, must make up his mind as to, at all events, the maximum limit of the sentence which he will impose. We think that the subsection would read better as follows: "In every case tried by a Presidency Magistrate in which an appeal lies, such Magistrate shall either take down the evidence of the witnesses with his own hand or . . . compare the writing of section 264.

We are also of opinion, that the whole question of the powers of Presidency Magistrates requires reconsideration, though we recognize that this is outside the scope of the present reference to us. The procedure to be adopted under this section is evidently intended to approximate to that prescribed by Chapter XXII for summary trials, but the offences to which it applies may be of a much more serious character, and apart from the exigencies of business in a Presidency Town, we can see no reason why Presidency Magistrates, who are not in most cases persons of exceptional capacity or experience, should be entrusted with any wider power than those of ordinary District Magistrates.

Clause 35.—We accept this amendment, which would make it compulsory upon High Courts to prescribe by rules the manner in which evidence should be taken down. The section will not, of course, limit the discretion of the High Court as to what form the rules should take.

Clause 36.—In lieu of the amendment proposed by the Bill, we would add a further proviso at the end of section 357, allowing the judgment of a High Court or Court of Session, or of any Magistrate empowered by the Local Government in the behalf, to be taken down from the dictation of the presiding officer. This will, we think, meet all reasonable requirements.

Clause 36A.—We think that in construction cases, where the Judges hearing the case are equally divided, it may not always be convenient to refer the case to another Judge by whose opinion it is to be decided. We think that it should be within the power of any of the Judges before whom the case was originally heard in the High Court to send upon a rehearing before themselves and the Additional Judges. As in some cases this may not be feasible, we would allow the Chief Justice in any such case to direct a rehearing before three other Judges. This of course would only be practicable where the strength of the Court permitted it.

This amendment is at the next line as our proposals under clause 39.

Clause 37.—We agree to the substitution of the word "attachment" for the word "distress" in section 336, as we think it is more appropriate.

We also agree to the re-numbering of this section as amended as 356 (1), and to the new sub-section (2) proposed by the Bill. We would however retain the words "moveable property" in sub-section (1), and in lieu of making immovable property liable to attachment and sale under this sub-section, we would add a proviso after sub-section (2), to enable a fine to be realised through the Collector as if the order was a decree of a civil court. We can see no reason why a property owner who may be able to cancel his attachment should not be forced to pay a fine which has been inflicted upon him by a criminal court, just as much, and by the same process, as a civil debt. It seems to be recognised that the liability is so enforceable by section 70, Indian Penal Code, and the decision in *Emp. v. Sibankh Mico*, T.L.R. XX Col. 428, and we think that this should be made clear by the section under consideration. The proper person to effect such realisation is, we think, the Collector of the district, who will be treated as the decree-holder.

Clause 38.—We accept the amendment proposed by the Bill, and have made another verbal amendment to section 387 which in, we think, required owing to the splitting up of section 386.

Clause 39.—Is accepted.

Clause 40.—We accept the amendment proposed, but would limit the amount of the fine to Rs. 500.

Clause 41.—We accept the amendment proposed by the Bill.

The object of an order of detention or of detention under section 123 is to keep the person concerned out of mischief, and this result is sufficiently attained if he is undergoing imprisonment for any charge. We think therefore that there is no reason why imprisonment for a subsequent offence should not ordinarily be made to run concurrently with the commitment or detention under section 123.

Clause 42.—The first amendment proposed by this clause would accumulate sending up to Government the record of any trial which might be required for the purpose of dealing with a petition for mercy under section 401. Objection has been taken to the inconvenience of this, and we think that it will be sufficient to require a certified copy of the record to be furnished.

It is well known that in the case of proceedings in a High Court the Judges object to their acts being treated as part of the record, and we have therefore referred in our proposed amendment of section 468 (5) to "a certified copy of the record of the trial, or of such record *except as aforesaid*."

We think in cases where it is necessary, as considering such a petition, for Government to know, as it frequently may be, the nature of the evidence given at a trial in a High Court, we can safely trust to the courtesy of High Court Judges to furnish a copy of their notes.

We have made a verbal alteration in the explanation proposed by the Bill for insertion at the end of section 431, and have also made a formal amendment in section 491 (6) in view of the special delegation to the present Governor-General of His Majesty's prerogative of pardon.

Clause 32.—We accept the amendment proposed by the B.H., but would refer to the new sub-section (2) of section 492 as section 54, Indian Penal Code, as well as section 55.

Clause 34.—We accept the amendment proposed by the Bill with a slight alteration in the wording of the new proviso: see section 123 (3A), clause 18 of the Bill as amended by us.

Clause 34A.—The new section 430A provides for an appeal against the rejection of a writ under section 222: see the last paragraph of our note to clause 17.

Clause 35.—Is accepted.

Clause 36.—We accept the amendments proposed by this clause, but would make an additional amendment in (a) of the proviso in section 438 to provide for the case where one out of a number of persons tried jointly may claim his right, as a European British subject, of appealing to the High Court. In this case we think that the appeal of all the other persons tried with him should also be heard by the same court.

Clause 37.—In lieu of the proposed proviso in section 443, we propose a new section 445A, with only a slight difference in wording.

Clause 38.—Is accepted.

Clause 39.—We prefer to retain section 439 as an existing form, but would add a proviso on the lines of our amendment of section 318, clause 46A of the amended Bill: see our note to this clause.

Clause 402.—We are not prepared to omit the words "empowered by the Local Government in this behalf", as proposed by the first sub-clause. We think it would be unwise to extend the power to call for and examine records to all Sub-divisional Magistrates, particularly in view of the additional powers now proposed to be conferred on revisional courts, which we are prepared to accept if the first part of sub-section (1) is left in its present form.

We have remodelled the wording of the amendment proposed in section 439 (3). In view of our sub-amendment of section 418 (which we agree should be included in this sub-section) we think that a reference is also advisable to sections 476A and 476B. We have given a limited power of appeal under these sections, and would exclude them definitely from the revisional jurisdiction.

We have slightly altered the wording of the explanation which it is proposed to add at the end of section 435.

Clause 404.—We think that the point involved is possibly a doubtful one and had better be cleared up. We accept the amendment proposed.

Clause 405.—Is accepted.

Clause 406.—In order to provide for the absence of a Sessions Judge, we think it is necessary to empower him to make a general order authorising the Additional Sessions Judge to exercise all his powers. We have provided for this specifically in our amended clause.

Clause 407.—Is accepted.

Clause 408.—We accept this clause with a slight verbal alteration.

Clause 409.—We accept the first amendment proposed by this clause.

We think that when a person has once been ordered by a Court to be detained in a lunatic, the place and method of his detention, and the provisions for his care, periodical examination, release, etc., should be a matter for the Local Government and not for the courts, and we propose to amend this and the following sections on these lines.

The provisions of the Code deal with two separate cases: (1) the case of a person who cannot be tried for the offence charged against him, because he is found to be incapable of pleading to the charge, and as he may subsequently become capable of pleading, provision has to be made for his custody while the incapacity lasts, and also for his being brought up again when it has ceased; (2) the second case is to be provided for in that of a person who has been tried for the offence charged against him and has been acquitted on the ground that at the time the act was done by him he was insane within the meaning of section 84, Indian Penal Code.

The preliminary question under case (1), namely, whether the person charged is capable of pleading, is dealt with by sections 464 and 465. Section 465 deals with his disposal, which may either be by release on security, or by an order for detention.

Our amendments to clause 100 (section 466 (2)) provide that a Magistrate or court making a detention order in such a case, shall report the action taken to the Local Government, who may, in their executive capacity, vary the order as circumstances may require. We have also made it clear that a detention order must be in accordance with the rules made under the Indian Lunacy Act, 1912.

Section 468 provides for the lunatic being brought up again for trial if he appears to have recovered; section 473 provides for his being so sent up by the inspecting authorities if he is detained in a jail or asylum; section 475 provides for his release by the Local Government upon security, and for his being brought up again if certified by the executive authorities to be capable of pleading.

Case (2) (accused on the ground of insanity) is provided for by section 471. Here again the court may either release him on security, or order his detention according to the Lunacy Rules, reporting the action taken to the Local Government, who by section 474 (2) will have power to vary the order; section 476 will provide for his release by executive authorities, or for the examination of the lunatic by a commission, and section 478 for his being handed over to friends by the Local Government upon security.

Clauses 107-113.—The amendments which we propose in these clauses (including a new clause 109A) are, we think, sufficiently explained by the preceding note. Parts of sections 471, and section 472, have already been repealed by the Indian Lunacy Act, 1912, and the Repealing and Amending Act, 1914.

Clause 111.—We have re-drafted section 476 and added two new sections 476A and 476B, in accordance with our note to clause 36 (n. 195). These new clauses lay down the procedure to be followed in the case of all complaints by a court in respect of offences referred to in section 185 (b) and (c): [See also proviso (aa) to section 205 of the amended Bill].

Section 476 (1) provides that the complaint is to be made to the nearest first-class Magistrate having jurisdiction—a term which is also to include a Chief Presidency Magistrate. Sub-section (2) applies the ordinary procedure upon complaint; and sub-section (3) gives the Magistrate power to adjourn the case where an appeal is pending.

Section 476A allows the complaint to be made either by the Court before which the offence is alleged to have been committed, or by a superior Court so defined in section 185 (3), and either on its own motion or upon the application of a party.

The application to this section makes it clear that such application may be made in any criminal proceedings by the Crown.

Section 476B gives a limited right of appeal to either party to the superior Court. The substitution of a complaint by a court for the old "motion" proceedings makes it unnecessary to give the persons sought to be charged any further right of appeal. No such right exists in the case of an ordinary complaint, and if the superior court, as defined in section 185 (3), declines to interfere, we think that there is no reason why the matter should not be investigated in the ordinary course. The same limited right of appeal against a refusal as the part of the subordinate court to make a complaint, may, we think, be accorded to a party interested, to meet the case of a persons refusal to prosecute by the subordinate court.

For the reasons indicated above we think that the regional jurisdiction of the courts should also be excluded—see our note to clause 100 (section 438 (3)).

Clause 112.—This clause proposes various amendments in section 488, which deals with maintenance applications.

The first proposal is to increase the monthly maximum allowable from Rs. 50 to Rs. 100. This is in our opinion undesirable. We think that in cases where over Rs. 50 a month is required for the maintenance of a deserted wife or children, the claimants may be left to their ordinary civil remedy, and that the summary procedure provided by this section should be confined to petty cases.

We agree to the omission of the word "wilfully" in sub-section (1), but would supply in place by the words "without sufficient cause."

We would reject the further amendment proposed in this sub-clause, which has been the subject of some adverse comment.

We accept the further proviso to this sub-clause, as we think that some period of limitation is required for the recovery of outstanding arrears. The period of one year proposed by the Bill is, we think, reasonable.

We are entirely against the substitution of the expression "at any time commits adultery" for "is living in adultery" in sub-section (4), and the corresponding amendment in sub-section (5). The fact that a woman is "living in adultery" would in most cases be a matter of some notoriety, and would ordinarily be capable of easy proof, whereas to allow a husband, from whom maintenance is claimed under this section, to set up in answer to the claim a charge of misconduct in an isolated case (which may

quite possibly have been due to dereliction) would involve the Magistrate in a detailed enquiry of a very undesirable kind, and might frequently deter a perfectly innocent woman from claiming the benefit of the section.

We agree that it is desirable to get rid of the reference to the person from whom maintenance is claimed as an "accused." Sub-section (7) is now unnecessary (see clause 77 of the amended Bill), and we have omitted it.

Clause 111.—The amendment proposed by this clause will now be unnecessary.

Clause 114.—We accept the amendment proposed by the Bill which is amended by the decision in *L.R. XXXIX. Cal. 164*. We have no doubt that cases under the Extortion Act should be excluded from the provisions of section 491, and it is clear that this was the intention of the framers of the Act.

Clause 115.—We accept the first amendment proposed by the Bill, and the principle of the second amendment, but having regard to the fact that the Police Act, 1862, does not apply to all Provinces, we have thought it better to put the proposed amendment in a different form.

Clause 116.—We accept the amendments proposed by this clause, with a slight verbal alteration in the first of them.

We also propose to omit the commencement of section 494 the words "appointed by the Governor-General in Council or the local Government." This will render the power of withdrawal on any Public Prosecutor as defined in section 4 (1) and will, we think, meet a difficulty which has been raised by the Bombay Government.

Clause 116A.—We think that a small amendment is required in section 495, in view of our amendments in sections 117 (4) and 117 (5); see clauses 14 and 16 of the amended Bill.

Clause 117.—We accept the proviso to section 497 (1) proposed by this clause, but would substitute for the word "minor" the words "any person under the age of 16." We do not think that any minor, even this age need be released merely on account of youth; and see our note to clause 12.

Various other suggestions have been made for the amendment of this section which we have considered, but we are not prepared to recommend the adoption of any of them.

Clauses 118 and 119.—Are accepted.

Clause 120.—We agree in the amendment of section 514 (2) proposed by the Bill, with a verbal alteration in sub-section (2).

We have redefined the proposed new sub-section (7). We think that proof of the conviction should be *conclusive* as to the guilt, except where such conviction has proceeded solely on a plea of guilty, in which case we think that the jury should be allowed affirmatively to disprove the guilt of the principal though we doubt such cases would be rare.

Clause 121.—We accept the amendment proposed by the Bill, but would make it cover also the case of a surety who becomes insolvent; see our note to clause 17 (ix) end.

We have also added a new section 518B, to provide for the case of a bond being required from a minor.

Clause 122.—We accept this clause with a small verbal alteration.

Clause 123.—We accept the amendments proposed by this clause with certain minor alterations.

We prefer the term "delivery" to "restoration"; and we think that in section 617 (3) it will be sufficient to allow one month for the presentation of an appeal, or an application for revision where this is allowed.

Clause 124.—We accept the amendments proposed by this clause with slight verbal alterations, and substituting a period of one month for six months from the date of the conviction, as the time within which an application for restoration must be made. We do not think that an order of restoration need be made simultaneously with the conviction but we think that any application for such an order should be made promptly, and that one month is sufficient time to allow for this purpose.

Clause 125.—We would substitute *Do. 16* for *Do. 23* in this clause, and would omit the words "or that it is of such a nature that it cannot be identified by the owner," as we think that the opinion of the Magistrate on the latter question might not be reliable.

We have also made another small verbal addition to the actus (125).

Clause 126.—(4) We accept this sub-clause with a slight verbal alteration.

(5) There is no doubt that some of the provisions of section 520 are subject to constant abuse, and that a party, against whom a criminal case is apparently going, will frequently apply for a transfer on manifestly insufficient grounds. We are also satisfied that advantage is frequently taken of the section to obtain an adjournment, which would otherwise be refused, without the least intention of making any application to the High Court. It is reported to us, for instance, that in the Dacca Division during three years

adjournments were obtained in no less than 125 cases, in which no attempt was made to move the High Court. It is clear to us therefore that the section should contain some safeguards against such abuse and we think that the provisions of this sub-clause require considerable modification. We fully recognize that there are cases in which it is extremely desirable, in the interests either of the accused or of the prosecution, that the inquiry or trial should be adjourned, in order that application may be made to the High Court for a transfer. We think, in the first place, that it should be sufficient to give notice that such an application is to be made before the commencement of the day's hearing in any trial or inquiry, or before the commencement of the hearing of any appeal, and that in such cases an adjournment should be granted to enable the application to be made before the accused is required to enter upon his defence or before the appeal is heard."

We would also penalize an improper application by making the applicant liable for costs (see our new sub-section 5A).

In the next place, we think that, if in any case in which the accused has entered on his defence, he thinks that the court is showing partiality to the prosecution, he should be entitled to an immediate adjournment in order to apply for a transfer, but that in such a case he should be required to enter into a bond with, if necessary, one surety, binding him to make such application within 15 days and to support it by an affidavit by himself or by his pleader, setting out fully the grounds upon which the application is made.

We think that it is only by a provision of this nature that the abuses to which we have referred above, can be remedied. There will be no binding in the making of such a bond in the case of any genuine application for a transfer, as the conditions of the bond will only be that the application shall be made and the grounds stated as an affirmation.

Clause 127.—Is accepted.

Clause 128.—We accept the amendment proposed by the Bill, with the addition of certain words in the new sub-section (2A), to cover the case of a transfer.

It has been suggested that section 535 (3) should also be amended, as in its present form it requires the Magistrate to record his reasons for transfer in merely routine cases, and it is said that this causes unnecessary labour. The requirements of the section, however, would be sufficiently met in such cases by a formal note, and in all other cases it is clear that there ought to be a record of the Magistrate's reasons. We doubt, therefore, if any amendment of this sub-section is really required.

Clause 129.—We accept the principle of this clause, but having regard to our amendments in section 535 (c. 55), and section 479 (c. 111), section 537 (5) should now run "if any irregularity in any order under section 195 or section 196A, or in any proceeding taken under section 475, 476A or 476B."

We also think that the illustration to section 537 should be omitted as inappropriate. Various other suggestions have been made for the amendment of this section which we are not prepared to accept.

Clause 129A.—We propose to substitute the word "attachment" for the word "distress" in this section. A similar amendment has been made in sections 536 and 537: see clauses 57 and 58 of the amended Bill.

Clause 130.—We accept the principle of the proposed new section 533A, but would make several minor amendments to it, and would partly re-enact the section.

We think that the provisions of the section should apply to all criminal proceedings including appeals. We would allow the applicant to give evidence by affidavit, and would leave the Court's discretion to require this to be done in any case, provided that an accused person should be compelled to write an affidavit himself. The other changes we have made in the section are merely verbal.

We accept the principle of the new section 533B, but think that it requires some modification.

We are of opinion that the Judge or Magistrate should only view the *locus in quo* for the purpose of properly appreciating the evidence given at the trial, and that, in the case of a trial by jury or with assessors, the Judge should only view it if the jury or assessors do the same under section 293.

We also think that notice should be given to the parties of the intention of the Judge or Magistrate to visit the *locus*.

We would also add a sub-section providing that the memorandum to be made by the Judge or Magistrate shall form part of the record of the case, and that a copy of it may be furnished to both sides.

The other alterations which we have made in this new section are purely formal.

Clause 131.—We accept the principle of the new section 533A, but have re-enacted it. Our sub-section (1) provides for the case of an accused who is represented by a pleader, and whose personal attendance can be dispensed with. Sub-section (2) provides for the case of an accused who is not so represented, or whose continued personal attendance may be necessary, and allows the Court in such a case either to adjourn the trial of all the accused or to order the particular accused to be tried separately.

Clause 122.—Is accepted.

Clause 123.—We accept the amendments proposed by the clause with minor verbal alterations in the new sub-clause (c).

The reference to stolen property should cover "retaining" as well as "receiving," see section 411, I.P.C. We think that the reference to a "false sale purchase" covers all that is necessary.

Clause 124.—We accept the amendment proposed by the clause, but have added a new sub-section 146A (2), to enable an order under this section to be made by a High Court in sessions.

Clause 125A.—We think that a small amendment is required in section 541, as this Code already contains various provisions for the recovery of e.g., costs (section 148 (2)), compensation (section 226 (2)), maintenance (section 488 (3)), as if they were fines. We propose therefore to amend section 541 by inserting after the words "under this Code" the words "and not otherwise specifically provided for."

Clause 125.—We accept the new sub-sections 593A (1) and (2) with verbal alterations, and have added a new sub-section (3), to cover the case of Additional and Assistant Sessions Judges.

Clause 126.—We think that it will be sufficient by the new section 561A to recognize the inherent powers of the High Court in this direction.

Clause 127.—We have made several alterations in the new section 562 proposed by the Bill.

We have substituted the words "imprisonment for not more than three years" for the words "not more than three years' imprisonment and fine."

We have added to the sections of the Penal Code enumerated in sub-section (1), sections 380 (theft in a dwelling house) and 439 (cheating and dishonestly inducing delivery of property), which we think may be appropriately included.

The other alterations which we have made are merely verbal.

Clause 128.—We accept generally the provisions of section 565 as redrafted by the Bill. Sub-section (1) (c) proposes to bring certain new offences under the operation of the section. With regard to section 483A to 483D, I.P.C. (offences connected with currency notes, etc.), we have no doubt of the desirability of their inclusion. Section 216 (taking a gift to help recover stolen property, etc.) stands on rather a different footing, but having regard to the recommendations of the Police Commission (paragraph 126 of the Report), we would agree to its inclusion.

In sub-section (5) we would limit the punishment to three months' imprisonment and a fine of Rs. 500, which should, we think, be sufficient.

We have also made one or two other verbal alterations in the section, and have added a new sub-section (6), providing for the place of trial of a person charged with a breach of the rules.

Clause 129.—We have considered in detail the amendments proposed in Schedule II, and accept the greater part of them.

We are, however, unable to agree to some of the proposals to make offences at present triable exclusively by the Court of Sessions also triable by Magistrates: see items 15 to 24.

We also dissent from the proposal to make offences under section 341, I.P.C., non-cognizable.

We have made a few additions to the existing category of bailable offences: see items 24 to 32, and have also amended the list item in the schedule: see clause 12, new sub-section (2A) to section 345.

Clauses 130 and 141.—We have proposed certain amendments in schedules III and IV which require no special comment, being merely consequential.

Clause 142.—We have inserted a new form of bond, for use under section 82C.

Clause 143.—Is accepted.

Proceedings of the Indian Legislative Council assembled under the provisions
of the Government of India Act, 1915 (3 & 4 Geo. V. Ch. 61).

The Council met at the Council Chamber, Viceregal Lodge, Simla, on Wednesday,
the 19th September 1917.

PRESENT:

His Excellency Robert CRIMMESON, P.C., C.M.G., D.M.S., Viceroy and
Governor-General, presiding, and 62 Members of whom 56 were Additional Members.

STATEMENTS LAID ON THE TABLE.

The Hon'ble Sir WILLIAM VERNON:—"My Lord, I beg to lay on the table a reply,
together with a statement * regarding electrical power in the Government of India Secretariat.
The statement is one which was furnished in reply to a question asked by the Hon'ble Mr.
Bhagendra Nath Sanyal on the 21st March 1917."

The Hon'ble Sir C. RAGHUBAN NAIK:—"My Lord, the statement † giving the information
promised in my reply to the question asked by the Hon'ble Rao Bahadur B. N. Sarma
on the 16th February 1917, is laid on the table. Bengal has been excluded from the statement
as reliable figures for that Presidency are not available, but such figures as are available
are being called for."

QUESTIONS AND ANSWERS.

The Hon'ble Mr. BHADURANATH SANYAL asked:—

1. "Will Government be pleased to make a short statement of the progress made in
the different Provinces by co-operative building societies, and of the special facilities,
if any, afforded to them by the Local Governments and Administrations?"

The Hon'ble Mr. R. A. MANN replied:—

"The Hon'ble Member's attention is invited to paragraph 26 of the Reports on the
working of Co-operative Societies in the Madras Presidency for the years 1914-15 and 1915-16,
and to paragraph 56 of the Bombay Report for the year 1915-16. The Government of
India have no further information on the subject."

The Hon'ble Mr. BHADURANATH SANYAL asked:—

2. "(a) Is it a fact that the Bombay Co-operative Housing Association made a
representation, through its President, Sir Prabhakrishna Patilkar, pointing out the necessity
of giving State loans to building societies composed of persons of limited means?
(b) If so, will Government be pleased to state what orders, if any, have been
passed on the representation?"

The Hon'ble Mr. R. A. MANN replied:—

"No representation from the Bombay Co-operative Housing Association on the
subject has so far reached the Government of India."

The Hon'ble Mr. BHADURANATH SANYAL asked:—

3. "(a) Is it a fact that Co-operative Central Banks usually lend to agricultural societies
for short periods at 7½ to 8 per cent per annum?
(b) Are Government aware that co-operative building societies for the benefit of
the poor require capital repayable in easy instalments over periods ranging from 30 to 50
years?
(c) Have Government received any representations on the best methods of financing
co-operative building societies?
(d) Are any measures, legislative or administrative, in contemplation to assess
the above subject?"

The Hon'ble Mr. R. A. MANN replied:—

"(a) The Government of India have no information of the prevailing rates for short-
term loans, but Central Banks lend both to agricultural and to co-operative societies at
rates of interest varying from 7½ to 12½ per cent per annum.

(b) The Government are not aware that building societies require advances for such
long periods as from 30 to 50 years.

(c) and (d) In 1910 the Government of Bombay submitted proposals for the grant of
loans by Government to building societies for the encouragement of house building on
approved sanitary lines, but the Government of India were unable to accept them, as they
considered that such societies should preferably receive loans from Central Banks or other
similar institutions, established for the purpose of financing co-operative societies. The
Government of India do not propose to re-open the subject on the information of present
before them."

* E.I., Appendix A.

† Not included in these proceedings.

The Hon'ble Mr. SRIYUVARA SASTRI asked:—

4. "Will Government consider the desirability of empowering Municipalities and Local Boards by provincial legislation to grant facilities to building societies—by giving financial aid, by a liberal land policy which will allow of their buying, selling and renting land, and by other suitable means?"

The Hon'ble Mr. R. A. NAYAK replied:—

"The need for legislation in the direction indicated does not appear to have yet been felt generally and the Government of India are therefore not at present prepared to take any action in the matter."

The Hon'ble Mr. SRIYUVARA SASTRI asked:—

5. "(a) Is it a fact that several local Governments and Administrations have issued, on the subject of the attendance of students at public meetings, orders which differ materially from one another?"

(b) Is it a fact that at a Conference of the heads of the colleges in the Presidency of Madras the order of the Local Government on the subject was generally pronounced to be unwelcome?"

(c) Do the Government of India propose after consulting, if necessary, the best official and non-official opinion on the anxiety on the subject, to issue a general order permitting the attendance of students in colleges at public meetings?"

The Hon'ble Sir C. SIVARAMAN NAIR replied:—

"(a) The Government of India have heard from reports in the Press that certain local Governments have recently issued various instructions on the subject of the attendance of students at public meetings."

(b) The Government of India have also seen a report to this effect in the press, but have received no official intimation."

(c) The Government of India issued a circular letter to local Governments on the 4th May 1907. The Government of India do not consider it necessary to issue any further instructions."

The Hon'ble Mr. SRIYUVARA SASTRI asked:—

6. "(a) Is it a fact that the Government of Madras have applied to the Government of India for permission to introduce emergency legislation empowering the Corporation of Madras to levy increased property taxes?"

(b) If so, will Government be pleased to publish the letter of the Madras Government applying for such permission, or if that is not possible to state the grounds on which the permission has been applied for?"

(c) What orders have the Government of India passed on the application?"

(d) Is it a fact that, under section 50 of the Madras City Municipal Act, 1894, the budgets of the Madras Corporation have to be submitted by the President to the Government of Madras and that Government have the power to pass such orders on the budgets as they think fit?"

(e) Do the Madras Government consent for the financial condition of the Corporation having been brought to such a pass that emergency legislation for increase of taxation has to be undertaken? If so, how do they account for it?"

The Hon'ble Sir C. SIVARAMAN NAIR replied:—

"(a) to (c) It is not proposed to undertake any emergency legislation empowering the Corporation of Madras to levy increased property taxes."

The Hon'ble Mr. SRIYUVARA SASTRI asked:—

7. "Will Government be pleased to state—

(a) When the Madras drainage and water-supply schemes are expected to be completed,

(b) what further sums they are expected to cost, and

(c) how it is proposed to meet the additional expenditure?"

The Hon'ble Sir C. SIVARAMAN NAIR replied:—

"(a) The projected programmes adopted by the Madras Corporation is expected to be completed by 1911-12."

(b) Rs. 50 lakhs."

(c) Probably by loans."

The Hon'ble Mr. SRIYUVARA SASTRI asked:—

8. "Is it a fact that the Special Works Department of the Madras City Corporation, with a Special Engineer at Rs. 2,000 per month at its head, is proving a great burden on its resources?"

The Hon'ble Sir C. SIVARAMAN NAIR replied:—

"Paragraph 7 of the Administration Report of the Corporation of Madras for 1910-16 infers that the Special Works Department involves the Corporation in considerable expenditures. But it is not understood from the report that this is regarded as excessive or due to the pay of the Special Engineer."

The Hon'ble Sir FREDERICK LUKATELLO asked:—

9. (a) Has Government contemplated seeking adequate financial provision for the diffusion of agricultural education throughout the country on the lines of the scheme adopted at the last Agricultural Conference?

(b) Will Government be pleased to state what objectives, if any, exist in the adoption of a scheme of elementary agricultural education through the existing primary schools?

The Hon'ble Mr. H. A. MANN replied:—

"The subject of agricultural education has recently been considered by a conference at Roode. The views of the Government of India on the recommendations of the Conference will shortly be published and I would ask my Hon'ble friend to await this publication, which will I hope give him all the information he requires."

The Hon'ble Sir FREDERICK LUKATELLO asked:—

10. "With reference to the Hon'ble Finance Minister's statement in March last that the difficulty of absence of facilities for refining gold on a really large scale was being remedied, will Government be pleased to state what progress has been made in this direction up to now?"

The Hon'ble Sir WILLIAM HAYES replied:—

"The statement to which my Hon'ble friend refers related to the refining of raw gold for sale. Arrangements in this and were almost completed, but no gold was actually refined owing to the subsequent decision to discontinue the sale of raw gold on behalf of Government."

The question of refining gold in coinage has since been further under examination with reference to the proposal to coin sovereigns as a temporary measure at Roode, with regard to which another Hon'ble Member made an announcement the other day. The detailed arrangements which would be necessary are still under consideration."

The Hon'ble Sir FREDERICK LUKATELLO asked:—

11. (a) Did the Dominion Royal Commission recommend that an Imperial Development Board be established for the development of the resources of the Empire?

(b) If so, have the Government of India been consulted by the Imperial Government regarding this recommendation and has any despatch on the subject been submitted to the Secretary of State for India? If so, will Government be pleased to lay it on the table?

The Hon'ble Sir GEORGE HAYES replied:—

"The Dominion Royal Commission recommended the setting up of an Imperial Development Board as stated by the Hon'ble Member, but the Government of India have not been consulted by the Imperial Government regarding this recommendation, nor are they likely to be consulted having regard to the fact that the report of the Dominion Royal Commission related only to the Dominions. The report of the Commission will, however, be valuable for the consideration of the questions relating to trade policy in this country after the war. I think it follows from what I have said that no despatch on the recommendations of the Commission has been submitted to the Secretary of State for India."

The Hon'ble Member Sir FRANCIS CHRISTIAN NATION asked:—

12. (a) Has the situation of Government been drawn to an incident in the office of the Chief Superintendent, East Indian Railway, Calcutta, in which one Babu Probodh Chandra Banerjee, a senior clerk of 45 years' service, is alleged to have been grossly insulted by Mr. B. F. Hyman, Acting Chief Superintendent, Transportation Department, on the 30th June last?

(b) Is it a fact that the said Babu Probodh Chandra Banerjee crossed away in the office as a result of this incident and was sent away in an ambulance car and did not resume consciousness till the 11th July and that he was found by Lieutenant Colonel E. H. Brown, M.C., J.M.S., to be suffering from a form of epileptic attack since the 10th June last and was recommended for three months' leave?

(c) Are Government aware that the incident has been the subject of strong comment in the newspaper press of Calcutta and has greatly aroused the mind of the Indian employees of the East Indian Railway?

(d) Is it a fact that the said Babu Probodh Chandra Banerjee made an application to Sir Robert Hight, Agent, East Indian Railway, praying for the removal of his grievances in connection with this case?

(e) If so, will Government be pleased to state what enquiries, if any, were made thereon by the Agent and in what manner?

(f) Are there any circulars or orders by the Railway Board or the Agent, which lay down rules for the guidance of superior officers in the matter of treatment of Indian subordinates, and the penalties for a breach thereof?

(g) If so, will Government be pleased to lay all such papers on the table and state if they are subject in reply to Company-managed Railway, as well as to State-managed Railways?

(h) What steps, if any, do Government intend to take in accordance therewith in the present case?

The Hon'ble Sir HENRY GILLAN replied:—

"The incident to which the Hon'ble Member refers was made the subject of an appeal to the Agent, East Indian Railway. I have received varying accounts of the wounds alleged to have been used by Mr. Higgins, but from the papers I have seen and the further inquiries I have been able to make, it seems clear that the words used were 'Don't be a silly ass.' The clerk in question was not, it appears, in a weak state of health and consequently nervous and excitable, completely lost control of himself, and had to be taken before the General Traffic Manager, who did his best to pacify him, but he finally fell down in an epileptic fit. It seems clear that the occurrence was due not to the words spoken by Mr. Higgins, but to the man's state of health at the time. Mr. Higgins, I may add, is an officer who is always considerate for the feelings of others, whether Indian or European, and I am satisfied that nothing was further from his intentions than to wound the feelings of the clerk named by the Hon'ble Member. The clerk is pronounced by the doctor to be in a bad state of health, and has been granted three months' sick leave."

With regard to sections (f) and (g) of the Hon'ble Member's question. Rule No. 564 of the East Indian Railway Handbook of General Rules and Regulations reads as follows:—

"Any authenticated case of aggression or ill-treatment of an Indian passenger or Indian subordinate of the Company on the part of any officer or servant will lead to his summary dismissal."

Any case of this kind would be severely dealt with by the Agent, who, I may add, would be strongly supported in his action by the Railway Board."

The Hon'ble Mahantsji Sir MANTHENA CHANDRA NAXHI asked:—

13. "(a) Have Government considered the leading European Chambers of Commerce in India with regard to the policy of post-war trade in India, and were the views of the Indian representatives of Commerce ascertained on the question?"

(b) Have Government formulated any policy regarding post-war trade, and, if so, will they make a statement in this connection?"

The Hon'ble Sir GEORGE BAKER replied:—

"(a) The Government consulted all the leading Chambers of Commerce in India, both European and Indian, with regard to the policy of post-war trade in India, and answers have been received on the question from all the Chambers consulted."

(b) The problems connected with post-war trade are under the consideration of the Government of India, and they are unable to make any statement on the subject at present."

The Hon'ble Mahantsji Sir MANTHENA CHANDRA NAXHI asked:—

14. "Will Government be pleased to state the complete scope of the enquiry of the Calcutta University Commission and if it will include a consideration of the scheme of Post Graduate teaching recently sanctioned?"

The Hon'ble Sir C. RANGARAJAN NAXHI replied:—

"The Hon'ble Member is referred to the reply given on the 16th February 1917, to a rather similar question asked by the Hon'ble Sir Sita Nath Ray Bahadur. The scope of the enquiry will be sufficiently wide to include consideration of the organization of post-graduate teaching."

The Hon'ble Mahantsji Sir MANTHENA CHANDRA NAXHI asked:—

15. "Will Government be pleased to state the number of Indians who have so far enlisted in the Indian Defence Force, Province by Province?"

His Excellency the COMMISSIONER-IN-CHIEF replied:—

"Up to the 28th August the total number of applicants for enrolment in the Indian Branch Indian Defence Force was 8,545 as shown by Province as under:—

Bengal	...	...	...	...	...
Madras	...	...	...	...	740
Bombay	...	...	...	...	1,102
United Provinces	...	...	...	...	621
Punjab and Frontier	...	...	...	...	256
Burma	...	...	...	...	344
	...	...	...	...	2,362

There are the numbers so far reported but there may be other applications presented to District Magistrates which have still to be reported."

No information is, however, available as to the numbers actually enrolled, as no reports have so far been received from Divisions in which medical examination and enlistment have been ordered."

The Hon'ble Mahantsji Sir MANTHENA CHANDRA NAXHI asked:—

16. "(a) Will Government be pleased to state the total amount of sugar, raw crude and refined, imported into India in 1905-16 from Java, Mauritius, Japan and other foreign countries; and what was the total output of sugar in India itself during those two years?"

(b) Are Government taking any, and, if so, what special measures for the development of the sugar industry in this country?"

* Not included in these percentages.

The Hon'ble Sir GEORGE HENNES replied:—

"I place on the table a statement showing the imports of sugar, so far as they are available, from Java, Mauritius, Japan and other foreign countries for the years 1915-16 and 1916-17. The estimated output of raw sugar in India for 1915-16 was 2,634,000 tons, and that for 1916-17 was 2,670,000 tons.

In reply to the second part of the question, I would refer the Hon'ble Member to the answer given to a similar question by the Hon'ble Sir Bakshar R. D. Shukla at the meeting of the Council on the 12th September."

The Hon'ble Maharaja Sir MANOJRA CHANDRA NAYAK asked:—

17. "(a) In what provinces of India are experiments being made for the cultivation of American and Egyptian cottons, and what are the results so far obtained by these experiments?

(b) What steps have been taken to introduce American and Egyptian cotton in the canal zone of the Punjab?

(c) Has any experiment been made in Bengal, particularly in the Eastern districts, for the introduction of long-staple cottons and, if so, with what result?"

The Hon'ble Mr. R. A. MANN replied:—

"(a) Experiments in the cultivation of American and Egyptian cottons have at different times been made in every Province in India. Special attention has been paid to the subject in the principal cotton growing Provinces, Bombay, Madras, the Central Provinces, the United Provinces and the Punjab. Speaking broadly, the result of the experiments has been to establish that there is little or no prospect of success in the case of Egyptian cotton except possibly under personal irrigation in Sind but that American cotton can be successfully grown in certain parts of India. The most striking results obtained with the latter have been in Madras where the culture of Combedis, an acclimated variety of American cotton, is now estimated at 35,000 bales of 400 lb each, and in the Punjab, where the area under a variety known as American No. 4-F, was in 1915-16 estimated at 60,000 acres. A variety known as Composite American has also been definitely established in a small area in the United Provinces. The whole question of the extension of the cultivation of long-staple cotton in India will be investigated during the coming cold weather by a special committee.

(b) American cotton has been successfully introduced into the canal colonies in the Punjab and the area under American No. 4-F, in the Province, which is rapidly extending, is almost entirely in those colonies. Attempts to introduce Egyptian cotton into those areas have been abandoned as it has been found that it ripens late and is unable to stand frost.

(c) Experiments in the introduction of long-staple cottons throughout Bengal have been made since the middle of the nineteenth century but have invariably proved failures. Climatic conditions in Bengal appear to be wholly unfavourable to the production of a first rate quality of cotton and the attempt to introduce such cottons has therefore been abandoned."

The Hon'ble Sir DOMINICK WATSON asked:—

18. "Will Government be pleased to state what are, respectively, the normal and the present scale of expenditure on:—

(a) The combatant forces of the army in India, including such auxiliary services as the Supply and Transport Corps, Signal Companies, the Royal Flying Corps and the Ordnance Department; and

(b) The Medical and Sanitary Services including the Army Hospital Corps and Army Bearer Corps, Ambulance Companies and hospital ships?"

The Hon'ble Sir WILLIAM MITCHELL replied:—

"I understand that the Hon'ble Member's question refers not only to the army now actually serving in India, but to the Indian Expeditionary Forces as well; and that he asks for information about pay charges only and not as to the expenditures on stores and on equipment and transport charges, the present scale of which is naturally much in excess of the peace scale owing to the special conditions created by the war.

On the above assumptions, the replies to the Hon'ble Member's questions are as follows:—

(a) The normal scale of actual expenditures, before the war, on account of the pay charges of the combatant forces, including such auxiliary services as the Supply and Transport Corps, Signal Companies, the Royal Flying Corps, and the Ordnance Department (exclusive of manufacturing establishments) was about £100 millions.

The present scale of expenditure is about £340 millions.

(b) The corresponding figures for the Medical and Sanitary Services including Army Hospital Corps, Army Bearer Corps, Ambulance Companies and the medical personnel employed on hospital ships are £550,000 and £2,500,000 respectively.

The figures given for the present scale are necessarily merely a forecast of the probable total expenditure in the current year, based upon actual expenditure for the past few months."

The Hon'ble Sir DINKHAR WADIA asked :—

20. "With reference to the discussion which took place in this Council on the 10th March 1917 as a resolution regarding the extension and improvement of elementary sciences, will Government be pleased to place on the table any well considered scheme

(a) explaining the method and manner in which such extension and improvement could be successfully obtained within a reasonable period of time, and

(b) giving approximately the total cost of the expenditure which will necessarily be chargeable to the ordinary revenues of India?"

The Hon'ble Sir C. SANKARAN NAYAR replied :—

"The Government of India have recently had the question of the extension and improvement of elementary education under their careful consideration. For the reasons stated by His Excellency the Viceroy in his speech on the 4th instant in this Council, it is impossible to lay any such scheme on the table."

The Hon'ble Sir DINKHAR WADIA asked :—

21. "Has the attention of Government been drawn

(a) to a paper lately read by Mr. Victor Moreau at Cairo on the influence of soil and climate on the weight and oil production of the cotton-seed plant, and

(b) to the experiment made there with seeds from France which turned out very satisfactory owing to the hot climate and richness of the soil of Egypt?"

The Hon'ble Mr. K. A. MAWY replied :—

"The reply to both parts of the question is in the negative."

The Hon'ble Sir DINKHAR WADIA asked :—

22. (a) Is Government aware of the production in Korea of dyestuffs from the leaves of a species of maple tree known to Koreans as the 'Shilagam'?

(b) Do Government propose to obtain from the British Consul-General at Seoul particulars regarding the production of this Korean dyestuff together with samples of the dye and samples of cotton yarn dyed with it in local colours?"

The Hon'ble Sir GEORGE BARNES replied :—

"I have no information on the subject, but I will certainly make the enquiries desired by the Honourable Member."

The Hon'ble Sir DINKHAR WADIA asked :—

23. "(a) Is the Government aware of the cultivation in China of the tree botanically named *Shilago Sappora* and commonly known as the 'yellow tree', from which is obtained a dyestuff which is its chief product and a kind of yellow technically known as 'gum', a by-product consumed by candle-makers?

(b) Will Government be pleased to consider the question of exporting this tree from China with a view to obtaining from it the dyestuff and yellow referred to?"

The Hon'ble Mr. K. A. MAWY replied :—

"(a) The reply is in the affirmative, though I would point out that the correct botanical name of the tree is *Quercus Sappora*, Nash."

(b) The tree has been cultivated in India for many years and is fairly common in gardens in many provinces. In some places it has established itself as a wild plant. Efforts have been made to utilize the yellow in India, but the labour and expense involved in extraction have been found to be far in excess of the value of the product. The value of the dye obtainable from the leaves does not appear to have been investigated in India. This point will be further considered."

The Hon'ble Sir DINKHAR WADIA asked :—

24. "(a) Is it a fact that the Egyptian Government have found, as the result of trials made in 1915 under the direction of their expert Mr. G. Wills, that stalks of the cotton plant and other vegetables have good heating powers?

(b) Will Government be pleased to direct that similar trials be made on one of their agricultural farms?"

The Hon'ble Mr. K. A. MAWY replied :—

"(a) The Government of India understood that experiments have been made in Egypt in the conversion of cotton stalks, as pulled from the field, into charcoal, but that their object has been not the provision of a new source of fuel but the destruction of the cotton pest known as the pink boll-worm."

(b) The stalks of cotton and other plants are already largely used by cultivators in India as fuel and the Government of India are advised that it is not necessary that any special experiments should be carried out in this matter."

The Hon'ble Sir DINKHAR WADIA asked :—

25. "Will Government be pleased to state the total amount annually expended on the establishment of the Botanical Department during each year, from 1907 to 1915, and also the details of the present staff of the department and their salaries?"

The Hon'ble Sir GEORGE BAKER replied :—

"I place on the table a statement* showing the amount expended annually on the establishment of the Statistical Department for the three years 1914-15, 1915-16 and 1916-17. Information for the earlier years is not available as, prior to 1914-15, the department formed a part of the Department of Commercial Intelligence, and it is impossible to separate the expenditure on purely statistical work from the total expenditure of that department."

I also place on the table a statement giving the details of the present staff of the department and their salaries."

The Hon'ble Mr. SRI KARNI DAY DEBACHAR asked :—

23. "(4) With reference to the question put by Mr. Chinnai at a meeting of this Council on the 17th of March 1915 regarding a reorganisation of the Senate that section 5 of the Calcutta University Regulations be amended in conformity with the maximum age limit for the Matriculation examination of the University, and the Hon'ble Mr. Sharpe's reply thereto, will Government be pleased to state if the Senate of the Calcutta University have yet approached them officially in the matter?"

(5) If the answer to (4) be in the affirmative, will Government be pleased to state when such application was received from the Senate, and what action, if any, Government have taken in the matter?"

(6) If the answer to (4) be in the negative, will Government be pleased to consider the desirability of asking the Senate to approach them officially in the matter?"

The Hon'ble Sir C. SANKARAN NAIK replied :—

"(a) Yes.

(b) and (c) The proposal in question was received from the Calcutta University in April 1915. The Government of India have decided to defer action on the general question, pending consideration of the new arrangements for admission to the Indian Civil Service proposed by the Public Services Commission, and of the recommendations of the proposed Calcutta University Commission."

The Hon'ble Captain ADAM KEAN, Serdar Bahadur, asked :—

24. "Will Government be pleased to state whether the three Extra Assistant Commissioners Magistrates appointed in 1911 as a trial measure have given satisfaction, and whether any more posts in that line are to be given to Indian officers?"

His Excellency the Commander-in-Chief replied :—

"The experiment in the manner in which it was applied has not proved a success."

It is not proposed to take any further steps in the direction at present."

On the conclusion of the war this question will be again investigated."

The Hon'ble Mr. K. V. RAMASWAMI AYYANGAR asked :—

25. "Has there been any reduction in the number of telegraphic communications in India since the increase in the rates for telegrams?"

If so, will Government be pleased to lay on the table the statistics showing the percentage of such reduction?"

The Hon'ble Sir GEORGE BAKER replied :—

"For the period from December 1905 to June 1917, there has been a small decrease, amounting to a little under 1 per cent, on the total inland telegraph traffic as compared with the figures for the corresponding period of the previous year. The figures on which this percentage is based include 'State' and 'Express' traffic. If the Hon'ble Member so desires, a statement will be laid on the table, in case as the figures are available, showing separate figures for private telegrams charged at ordinary rates, but this I am afraid will not be possible during the present session of the Council."

The Hon'ble Mr. K. V. RAMASWAMI AYYANGAR asked :—

26. "Will Government be pleased to lay on the table the correspondence between the Government of India and the Secretary of State relating to the creation of the post of the Educational Commissioner with the Government of India?"

The Hon'ble Sir C. SANKARAN NAIK replied :—

"The positions of the correspondence between the Government of India and the Secretary of State relating to the post of Educational Commissioner are laid on the table."

The Hon'ble Khwaja Jahidur MIAN MUHAMMAD ENAM asked :—

27. "(a) Is it a fact that organised efforts have been started in several Provinces and more particularly in the Punjab towards recruitment for the Indian Defence Force?"

(b) Is Government aware of the feeling prevalent in the Punjab and elsewhere that the period of enlistment in the Indian Defence Force should be extended till the end of this year and do Government propose to take the necessary steps in this behalf?"

His Excellency the Commissioner-in-Chief replied:—

"(a) Recruitment for the Indian portion of the Indian Defence Force is on a purely voluntary basis. Official action has been confined to giving publicity to conditions of service, etc., and the propaganda and material assistance of those offering to serve. In the Punjab, etc., to which the Hon'ble Member particularly refers, a Control Committee was formed under private auspices for stimulating recruitment.

(b) Government received an application from the Punjab to extend this period, but have decided that no amendment of the law should be undertaken at present."

The Hon'ble Sir Bahadur K. N. Saxena asked:—

20. "(a) Has the situation of Government been drawn to consultants as to the inadequacy and unsuitability of the provisions for persons who live in remote or in kind made for recruits among the educated classes of the Indian portion of the Indian Defence Force?

(b) If so, do Government propose to modify the rules so as to make provision suitable to the habits of living of the educated classes?

(c) Has the age limit for recruitment been reduced in the case of Indians to thirty, and is it a fact that such reduction has had a prejudicial effect upon the recruitment of educated Indians?

(d) If so, will Government be pleased to consider the question of raising the age limit to that permitted for European British subjects by the Indian Defence Force Act, 1913?"

His Excellency the Commissioner-in-Chief replied:—

"(a) The answer is in the affirmative.

(b) The Government of India do not propose to make any discrimination in the provision of facilities in the Indian Army based on the social status of the recruit. Such a discrimination exists in the Army in the world. In the British Army recruits drawn from the highest ranks in society receive precisely the same treatment as those drawn by the lowest. The Government of India have no reason to believe that the educated classes require in order to keep them in health and fighting vigour any more liberal provision than is accorded to the mass of the soldiers who form the great mass of the Indian Army. And they are entirely opposed to any amendment of a nature as would be the fundamental treatment of any particular class.

(c) It is not necessary to say that the age limit of recruitment has been reduced. It has in point of fact been raised from 25 the normal age limit for recruitment in the Indian Army to 30. The Government of India are not aware that this age limit has had any prejudicial effect on the recruitment of educated Indians other than the obvious consequence of excluding those who exceed this age.

(d) The Government of India do not propose to raise the age limit."

The Hon'ble Sir Bahadur K. N. Saxena asked:—

21. "Will Government be pleased to state the number and names of persons who have been interested under the Defence of India Act in the present that they are dangerous to public safety—

(a) for bringing the administration into contempt,

(b) for creating or exciting dissension towards the Government,

(c) for creating or promoting ill-will between classes?"

The Hon'ble Sir William Vincent replied:—

"The persons referred to are supplied by Local Governments who will be asked to supply the information required."

The Hon'ble Mr. M. B. Datta asked:—

22. "(a) Has any estimate been prepared of the extra cost—initial and recurring—that would be entailed by the Defence of India Force? If so, what is the amount of cost estimated?

(b) Will additional barracks be necessary? If so, what is the estimated cost of the additional works?"

His Excellency the Commissioner-in-Chief replied:—

"(a) The extra expenditure in the current year involved by the constitution of the European Branch of the Indian Defence Force is estimated roughly at Rs. 25 lakhs. No accurate estimate can at present be framed to show how much of this is initial and how much recurring. The cost of the Indian Branch of the Defence Force cannot be estimated at present as it is not known what the strength of this section of the force will be.

(b) The reply is in the negative."

The Hon'ble Mr. M. B. Datta asked:—

23. "(a) Are any of the findings of the Mesopotamia Commission adverse to Lord Hardinge?

(b) If so, are the Government of India aware that such findings have been received throughout India with indignation, and of the intensity of feeling on the subject displayed by the Indian people and Press?

(c) If the answer to (b) is in the affirmative, have the Government of India brought this fact to the notice of the Home Government?"

The Hon'ble Sir WILLIAM VERNON replied —

"The answer to (a) is in the affirmative.

(b) and (c). The Government of India have gathered from resolutions passed and from the expression of opinion in the Press that there is a strong feeling of sympathy in India with Lord Hardinge and unwillingness to accept those findings of the Commission which are adverse to him; but they have had no correspondence on the subject with the Secretary of State for India."

The Hon'ble Raja Sir MUHAMMAD ALI MUHAMMAD KHAN asked —

24. "(a) Has the attitude of Government been doing to induce statements in responsible quarters as to the inadequacy of India's monetary contributions in support of the war as which the British Empire is engaged?"

(b) Will Government be pleased to state —

(i) the different funds initiated in India in connection with the war and the total amounts collected by each of them; and

(ii) the total investments in the loans floated by the Government of India since the beginning of the war?

(c) Will Government also state what contributions towards the war the Government of India has made since August 1914 directly and in the form of costs of expeditionary forces borne by the Indian Expedition, or in any other form?

The Hon'ble Sir WILLIAM MERRIOTT replied —

"(a) The Government of India are aware that allegations have from time to time been made as to the alleged inadequacy of India's monetary contributions towards the war, but such statements have not been made in responsible quarters. On the contrary, in a telegram from the Prime Minister which His Excellency read out to this Council on the 22nd March last in connection with India's War gift of £100 millions, Mr Lloyd George expressed to the Government and the people of India the great share, justified of the British Government, for the magnificent contribution which India has just made towards the financing of the war."

(b) (i) The attention of the Hon'ble Member is invited to the answer given by Sir Egehnad Casselton on the 27th September 1916, to the Hon'ble Mahaswami Sir Muzumdar Chandra Bhandi's question regarding contributions to the war by Indian Native States and Indian Freeman. That answer gives some idea of the manner of India in connection, but the Government of India have not means readily of their disposal to bring the information contained therein up to date. They have, however, in accordance with the promise made by Sir Egehnad Casselton in this Council is reply to a question by the Hon'ble Sir Stanley Haldane on the 7th March last, intrusted that Government to compile and compile records of all contributions which have been made in the past or which may be made in the future, towards the war, so as to facilitate their compilation and publication after the termination of hostilities.

(ii) (a) The investments in the loans floated by the Government of India since the beginning of the war amount recently to 41 crores of rupees. This figure includes investments in the Post Office savings of the current year's loan up to the 15th September, and in Post Office cash certificates up to the 31st August. Subscriptions to these are still being received. The figure quoted herewith includes about Rs. 1½ crores received as subscriptions in the Indian War loan in the form of British Treasury bills.

(c) I have already referred to India's agreed contribution of 2100 millions. The proceeds of the Indian War loan, and from the sale of Post Office cash certificates during the current year, will be remitted to the Home Government in part payment thereof, and the Government of India will take over the liability for an amount of the 4 per cent. British War loan 1915—17 equivalent to the balance. In paragraph 41 of my speech introducing the Financial Statement for the current year, I gave estimates of the expenditure which has been borne by Indian for the Government of India towards the cost of the war, but they have of course had to incur additional expenditure in various directions as a result of the war. I draw special attention to this connection to the figures for military and political expenditure given in paragraph 42 and 43 of the same speech. They have also incurred very heavy war expenditure in India on behalf of His Majesty's Government, the equivalent of which has been repaid to us in London. The effects of the latter measure of assistance from the point of view of our railways and exchange facilities were dealt with fully in paragraph 35 to 37 of my speech referred to above, and the new investments on behalf of the Government of India in securities of His Majesty's Government since the commencement of the war, to which reference was made in paragraph 37, now amount to nearly £45 millions, against £30 millions then estimated up to the end of March last.

The Hon'ble Khan Bahadur ATUL KUMAR BHATT asked —

25. "(a) Has Government under consideration any proposal that the present ^{financial} strength of the Legislative Council be increased?"

(b) If so, will Government be pleased to state what steps, if any, they propose to take towards a sufficient representation of the Zamindars and Talukdars of Hind in the Imperial Council and in the Provincial Councils of the District Local Boards or the Provincial Council, and of the Mahaswamis of Hind in the Provincial Council?"

The Hon'ble Sir WILLIAM VINCENT replied:—

"The general answer referred to in the first part of the question is under consideration, but for obvious reasons the Government of India cannot make any definite statement on the subject at present. For the same reason I am unable to give a specific reply to the second part of the Hon'ble Member's question."

The Hon'ble Keshu Behlur ALLAHABAD SHAH asked:—

56. "(a) Is it a fact that members of the Indian Civil Service get acting allowances when senior officers at that service go on leave?"

(b) Do Deputy Collectors, or officers of similar grade, get such acting allowances when senior officers proceed on leave?"

(c) If not, will Government be pleased to state the reasons why no such acting allowances are granted in their case?"

The Hon'ble Sir WILLIAM VINCENT replied:—

"The answer to question (a) is in the affirmative, and to question (b) in the negative. As regards (c) the Hon'ble Member is referred to the reply given to a similar inquiry made by the Hon'ble Mr. Dabholkar at the meeting of the Imperial Legislative Council held on the 15th February 1912."

GOVERNMENT SAVINGS BANKS (AMENDMENT) BILL.

The Hon'ble Sir GEORGE BAKER:—"My Lord, I beg to move that the Bill to amend the Government Savings Bank Act, 1873, be taken into consideration."

The motion was put and agreed to.

The Hon'ble Sir GEORGE BAKER:—"I beg to move, my Lord, that the Bill be passed."

The motion was put and agreed to.

POST OFFICE CASH CERTIFICATES BILL.

The Hon'ble Sir WILLIAM MAYER:—"My Lord, I beg to move that the Bill to restrict the transfer of Post Office 5 years Cash Certificates and to provide for the payment of Certificates standing in the names of deceased persons which I introduced on the 14th September, be taken into consideration."

The motion was put and agreed to.

The Hon'ble Sir WILLIAM MAYER:—"I move that the Bill be passed."

The motion was put and agreed to.

THE INDIAN PAPER CURRENCY (AMENDMENT) BILL.

The Hon'ble Sir WILLIAM MAYER:—"My Lord, I move that the Bill to amend the Indian Paper Currency Act, 1910, and the Indian Paper Currency (Exemption Amendment) Act, 1917, which I introduced in this Council on the 26th September, be now taken into consideration."

The motion was put and agreed to.

The Hon'ble Rao Behlur B. N. SARMA:—"My Lord, the object of the amendment, that in clause 1 (d) after the word 'sufficient' the figure '2' be inserted, is to make the provision more clear as to the applicability of the clause during the currency of the present war. I think, however, that there will be a redundancy if I ask for the insertion of the figure 2 in this particular clause. I do not like to interfere with the artistic sentence of the Bill and therefore withdraw my amendment."

The amendment was by leave withdrawn.

The Hon'ble Rao Behlur B. N. SARMA:—"My Lord, the addition which I propose to clause 2 runs as follows:—

"At the end of six months after the war the reserves to ensure the payment, and the notes for the additional amount issued under this section or of other currency notes of like amount shall consist of sovereigns, half-sovereigns, rupees, half rupees and gold bullion and the sum expended in the purchase of silver bullion and securities of the Government of India; but such securities of the Government of India shall not exceed one-third of the amount of such currency notes."

"Section 2 of the present Act provides for a reserve of an additional amount against the additional notes that may be introduced into the circulation and is only amended to last during the currency of the war and for six months thereafter. The Hon'ble Sir William Mayer in his speech introducing the Bill which became the Act of 1917, No. XI, said that the intention of the Government of India was to undertake an amendment of a substantive character in the amendment of 1910, at the close of the war."

"The object of the amendment is to obtain present legislative recognition of two principles recommended by the Royal Commission on Currency for adoption by the Indian Government, viz., that with the exception of 5 millions, the rest of the paper currency reserve should be invested in India and that the invested portion may come up to one-third of the net

note circulation. The recommendations are contained in paragraphs 116 and 118 and 117 of the Report, the recommendations in paragraphs 119 and 115 have been summarized in the conclusions at the end of the Report. The 1916 recommendations run as follows:—

"The Paper Currency system of India should be made more elastic. The fiduciary portion of the note issue should be increased at once from 14 to 25 crores and thereafter fixed at a maximum of the amount of notes held by Government in the Reserve Treasury plus one-third of the net circulation, and the Government should take power to make temporary investments in securities or loans from the fiduciary portion within this maximum in India and in London as an alternative to investment in permanent securities."

"The last portion is not applicable, the first portion is the one I seek to embody in my amendment. In paragraph 117 of the Report it is said:—

"Any additions to the gold held on account of the Paper Currency Reserve in London over and above the sum of £5,000,000 should be regarded as temporary only and used as and when required for the purchase of silver for storage into upon the function of such additional gold being to maintain the internal currency of India and not to support exchange."

"My Lord, during the last few months there has been an enormous addition to the note circulation in India as already pointed out on more than one occasion. The increase between the 31st of May and the 31st of August of this year has been 26 crores of rupees; and between the 19th of August and the 31st of August it has been 5 crores. The position is that on the 31st of August we have a gross note circulation of 145 crores of which 5.25 is in reserve treasuries against which we have a specie reserve of 41 in India, and 2.65 in England, the leveraged amount being 81 crores, 10 of which are in Government of India securities, 10 is British and 22 in British Treasury Bills. The investments are approximately two-thirds of the gross circulation and are leading to unsustainability at any time, a position which according to the Finance Minister was threatened if restrictions had not been placed on the Secretary of State's weekly sales (this is what the Honorable Member said).

"Our paper holding in the Paper Currency Reserve had then sunk to 14 crores and in spite of the other existing savings, it was evident that under the conditions as regards purchase and shipment of silver, the war imposed, a limit must be placed for some time at any rate upon further sales. To have held on would have been to accept the probability of failing short of specie for the redemption of all notes and of having to deliver our paper money temporarily inconvertible. Accordingly on December 26th the Secretary of State imposed a limit of Rs. 40 lakhs on his weekly sales which was raised to 120 lakhs for the following week and has since been continued at that figure."

"If the investments in British treasury bills be looked upon as the nearest approach to a reserve in such, the objection, and a real objection, is that the position is in London and the reserve would not be available in a sudden emergency and the practice is opposed to the Commission's recommendations. I realize that the Government of India have been forced to adopt these expedients owing to circumstances over which they have no control, and that as stated by the Honorable the Finance Minister who has fully exposed the position of the Indian community for his vigorous and vigorous over Indian economic interests, in his speech on the 29th March on the motion for the passing of the Temporary Currency Amendment Act of 1917, the legal position at the end of 4 months after the war would be that the Government could hold in India only 14 crores. The question therefore is as to whether we should as a legislative assembly indicate our guide for future Government action. There is a school of thought which has been attempting to assimilate the position of the Government in the matter of note issue to that of a banker and says that redemption may extend to two-thirds. The Secretary of State and the Indian Legislature readily set their faces against that view, and the recommendation of the Currency Commission while advocating a more liberal policy adopted the view of the orthodox school and subordinated the limit to a third of the net circulation. The Legislature has so far laid down a rule of proportion as a guide and in spite of the warnings of 1914-15 we have been obliged to accept a wide departure. More stringent measures seem to be in store for us and would it be wise to allow permanent principles to be laid down immediately after the war at a time when the temptation would be even stronger than at present. Would it not be wise to indicate to the Government that as at present advised, we are not prepared to allow the investments to go beyond a certain limit and proportion and that the reserve should be in India? The Government has been leaning on the recommendations of the Commission whenever they required such support for their policy, i.e., in increasing the investments from 14 to 25 crores and there can be no harm but positive good if we accept the recommendation of the Commission on this matter. No legislative act of course be permanent and it may be that at the end of the war we may have to adopt changes but there seems to be no reason why we should postpone adoption of a clear guide to future Government action. I don't ask for any alteration of the policy of the Government of India which induced the Government to accept its Treasury Bills, to the extent of 42 crores of rupees but I think the Legislature under the present circumstances should fix directly a certain proportion to guard against the temptation which is in store for Government. It is with this object, and knowing full well that the Honorable the Finance Minister stated in March that we might postpone action until after the war and six months thereafter that I venture to bring here the amendment."

The Honorable the Finance Minister said:—"My Lord, I generally support the observations of my Honorable friend Mr. Sarma, but I should like to add one thing; I do not understand why this Bill was not referred to a Select Committee. This Bill was introduced on the 31st of September, and as it deals with matters of great importance, I think, Sir, it

should have been placed before a Select Committee where the obscure and difficult questions which it involves, could have been discussed and amendments arrived at which might have made it unnecessary to move amendments to it here. I do not wish to say anything more on this occasion."

The Hon'ble Sir WILLIAM MEYER:—"With reference to the reference of the last speaker, my Lord, I would submit that if he thought that the Bill ought to have been referred to a Select Committee, he could have proposed that when I moved for leave to introduce the Bill and that it be published in the Gazette of India in English."

The Hon'ble Pandit MAHAS MANSU MALAVIA:—"May I say, Sir, that as the ordinary procedure laid down for dealing with Bills was departed from there should have been an explanation on the part of the Hon'ble Member why it was departed from."

The Hon'ble Sir WILLIAM MEYER:—"We thought a reference to the Select Committee was not necessary."

"As regards the Hon'ble Mr. Sarna's amendment, I cannot accept it. Clause 2 of the Bill which the Hon'ble Member wants to amend has temporary application, that is, up to six months after the war. The Hon'ble Member clearly recognized this by the previous amendment which he had placed on the agenda but subsequently withdrew suggesting that this temporary character of clause 2 should be emphasized emphatically. The Hon'ble Mr. Sarna recognizes that during the stress of war we have had to adopt special measures; and I may observe in this connection that we have still about 12 per cent of our currency circulation covered by retail specie, and that this is a better percentage than that of France, or even that of Great Britain, if you take into account the Government currency notes there as well as the Bank of England notes."

"The Hon'ble Member now proposes an amendment which is to regulate the conditions after the war. What he proposes is therefore that on the 30th day of the sixth month after the war the composition of the currency notes should be considered in the particular manner he has described, but on the first day of the 7th month these provisions would automatically become void because this action will lapse. That seems to me rather confused thinking if I may say so, and it shows the inadvisability of attempting to draft into a temporary war measure a provision which has regard to the permanent composition of our Reserves after the war."

"Apart from that, the amendment is not one which I could accept as a matter of principle. Speaking generally, there are, as Hon'ble Members know, two ways in which you can provide a Currency Reserve for the establishment of currency notes. One is the English system, the Bank of England system, under which, now is the case of certain definite investments allowed by statute, all the notes you issue must be fully secured by specie. That is the system which we have hitherto adopted in India. It has the disadvantage of course that every time you wish to alter the investible portion of your Reserves you have got to legislate. The other is the more automatic system that has been adopted in some other countries, which provides that the investible portion of the Currency Reserve shall not exceed a definite ratio of the total value of the currency notes issued. That is the system which the Chamberlain Commission suggested for India, and *per se* it has much to say for it. But it is quite obvious that when we have to legislate in a matter of this importance, we cannot do so without obtaining the opinions of Lord Government, Chambers of Commerce, and the great Bodies on this important new department, and more especially as to the particular proposition which the Chamberlain Commission proposed should be the automatic limit of investment. Well, we made a reference asking for opinions as this and other portions of the Currency Commission's Report shortly before the war. But it was then passed upon us, and we felt strongly ourselves, that a time of war was not a time in which these important matters could be appropriately considered, and that it would be well to ask those whom we had consulted to defer giving us their opinions until after the war when they and we would have had the benefit of actual war experience. That is the position as it now stands."

"Mr. Sarna's amendment purports to be based on the proposals of the Chamberlain Commission, but there are two important points of difference. In the first place, the Commission said that the limit of automatic investment should be the total amount of the notes in Government ownership plus one-third of the net circulation; but my Hon'ble friend says that one-third of the gross circulation should be the limit. Then the Chamberlain Commission gave direction as to the character of the investments which might be made out of the investible portion, but the Hon'ble Mr. Sarna wants to limit us to Government of India securities. I may remind the Council in this connection that even in our former legislation we had direction to invest up to 4 crores in sterling securities. As it comes to this really that my Hon'ble friend wants us to substitute a few words of his own for the recommendations of the Currency Commission, and he wants us to do this straightaway without having obtained the opinions of the War Office and commercial bodies. I say that is an entirely inadmissible proposition. We shall when the war is over get the opinions of those bodies and consider them, and we shall disappear six months after the war expires; and if we want to make any alteration in our permanent currency machinery we must get the sanction of this Council in such a manner. It is the time, after we have got the opinions of those who will advise us, when we can consider the matter and get the sanction of this Council as to what our currency arrangements should be after the war. For these reasons, my Lord, I beg to oppose the amendment."

The Hon'ble Rao Bahadur B. N. SAKKA :—" My Lord, with regard to the technical objection which has been taken to this amendment, I may observe that it is immaterial whether this clause is added at the close of clause 2 or in sections 19 and 20, of the proposed Act. But as regards the point of substance, my position is that it would be positively dangerous to allow a considerable increase in the note circulation and the inevitable position (borne out) to suggest the Legislature practically to submit to a depreciation from the principle which has been enunciated by the Chamberlain Commission as being suitable for peace times. That was the danger I apprehended and is what I give a definite guide on which the Government can't act in future. I have brought in that amendment. With regard to the points of difference between the Chamberlain Commission's recommendations and those that are embodied in my amendment, I may submit that out of 100 notes of paper only 5 notes are in reserve treasuries so that in the net result there would not be much difference whether the one-third is one-third of the gross circulation or one-third of the net circulation, but I put it as the safer limit."

" With regard to the Government of India securities being the only securities in which the money should be invested, my object is to make India self-sufficient and meet the long-term of investing money in suitable securities. But having regard to the observations of the Hon'ble Finance Minister, no good purpose would be served in passing for a division."

Thereafter withdrew the amendment."

The amendment was by leave withdrawn.

The Hon'ble Rao Bahadur B. N. SAKKA :—" My Lord, the next amendment I beg to move is that the words "for the purpose of exchange or such other temporary cause" may be added in clause 6 after the words "His Majesty's Government." The object of the amendment is to give legislative sanction to the object of the Hon'ble Finance Minister when he stated that section 6 was inserted to provide for the contingency of gold coin having to remain in the Dominion for the temporary cause. I have made that point clear in my amendment, that when gold is obtained in any of His Majesty's Dominions temporarily solely for the purpose of exchange, or other such temporary cause, such gold should be treated as part of the reserve. I hope the Council will be able to accept this amendment."

The Hon'ble Sir WILLIAM MURRAY :—" My Lord, the purpose of the Honourable Member who moved the amendment is really the purpose that the Government had in mind, but in order to make the matter absolutely clear I am willing to accept his amendment with a slight alteration in wording about which I have consulted the Legislative Department. I would like the new clause he proposes to put in, to read thus—"for exchange or such other temporary purpose."

The Hon'ble Rao Bahadur B. N. SAKKA :—" I accept that."

The amendment as revised was put and agreed to.

The Hon'ble Rao Bahadur B. N. SAKKA :—" My Lord, I beg to move the next amendment in my name that it is to include the following words in section 10—

" Provided further that the surveyor notes of the denominational value of one rupee and two and a half rupees shall and ceased at any time the influence of rupees."

" This again is an amendment which is intended to effect the object which the Hon'ble Finance Minister had in view when he said that we shall have to proceed very cautiously in the matter of introducing into India notes of the value of one rupee and two and a half rupees and that the experiment would in the first instance be confined to the principal cities. As I said the object is to give legislative sanction to the intention of the Government of India."

" My Lord, there is considerable difference of opinion as to whether it is wise at the present stage to introduce one-rupee and two-and-a-half-rupee surveyor notes into India. We have accepted the position and I am not going to reopen that matter, but the reasons which can be very easily urged against the introduction of such a measure under the present conditions of India have great cogency and bearing upon any amendment which wishes to restrict this note circulation to ten million rupees at any time. My Lord, in 1911 when there was an attempt made by certain members of the then Council to introduce the 5-rupee note into India, objection was taken by several Government members to the adoption of such a course on the ground that the introduction of five-rupee notes in the then circumstances of India was not only impolitic but also cruel to the vast mass of the population of India, and the amendment which was proposed to modify the Government measure was negatived by a large majority. The observations which were then made by the Government members for Madras, the Hon'ble Mr. Forbes against the five-rupee note have great cogency and bearing on this present one-rupee note. I may be permitted to quote from his speech a few statements which succinctly state the position in question. Speaking of the class of things which existed in certain parts of Europe or in Scotland where 21 once circulation existed, he said :—

" In Great Britain the wages of labourers and artisans are paid weekly, and as as labourers and low artisans earn 21 a week, they can receive 21 in paper, but in India wages are all paid monthly, and many a labourer and many an artisan earn five rupees a month, and will be paid, if the amendment be adopted, in paper. Now how does our experience tell us that a nation of the poor people should keep 21 in money? He neither has it in a corner of his chest or buried it in the flow of his house. In the one case a shower of rain would reduce his month's wages to a useless pulp, and in the other the white ants would destroy it."

(He might have added "the rats.")

" and it is this that led me to say just now that a five-rupee paper legal tender would be more justly called a cruel than merely impolitic measure. If the poorer classes were

to try to keep their paper money, they would be pretty sure by some accident to lose it; and if they attempted to change it, so from the fact of loss they certainly would, advantage would be taken of their anxiety to be freshened as fugitives a treasure, and a heavy discount would be exacted, so that, take the question in what way we will, it seems to me that a heavy loss must fall on the poorer classes by paper legal tender of small value."

"Whatever losses might have had with reference to the five-rupee currency note, I am sure they will be perfectly relieved with regard to the one-rupee currency note. It is positively dangerous to make discount in the land by the circulation of the one-rupee currency note without further assurance, because money a poor family might be deprived of their whole wealth by fire or by such accidental causes; and, moreover, owing to the long distances at which transactions are situated, the poorer classes would find it absolutely difficult, without paying a heavy discount, to cash their one-rupee currency notes."

"Under ordinary circumstances, therefore, none of us might have felt it necessary to oppose these one-rupee and two-and-a-half-rupee currency notes altogether. But I for one felt disinclined to accept such a scheme for two reasons. First of all because I felt that it is absolutely disastrous to stoppage the growth of paper money in this country and to discourage entirely currency in the true interests of India, and the second reason is that I felt disinclined to oppose currency in the manner which might be brought by the Government during war time. But, my Lord, my measure which might be brought by the Government during war time. But, my Lord, I think the recommendation I make that the total value of such currency should be confined to ten millions of rupees at a time may be accepted without any difficulty whatever, because it would set a limit beyond which the Government may not be brought in the present crisis into introducing into the coin circulation of the country these one-rupee notes in large numbers. If we have regard to the uniform growth of note circulation during recent months to which I referred a few minutes ago, viz., 30 crores within three months and five crores within 22 days, I am sure there is good reason and justification for the adoption of this cautious measure which I recommended for adoption by the Council. And even if we have regard to past experience of the five-rupee currency notes, I think there would be no great difficulty in accepting my suggestion. We find that in 1901-02 the five-rupee note circulation was only 40 lakhs of rupees. It was only gradually that there was an increase, and at present it is 2 crores and 25 lakhs of rupees, and there has been an enormous growth within the last three years, the number of pieces having increased from about three millions and odd to four millions and odd. Consequently, my Lord, if the five-rupee currency notes are only two crores and odd at present in circulation, after so many years, there seems to be no inconveniences which would be caused by the restriction which I propose, in the matter of the one crore of rupees. Perhaps my hesitation is a little too liberal, and I should have confined it possibly to 50 lakhs of rupees. Still I wish to leave a liberal margin, and I hope, therefore, that the Council will not consider an one crore of rupees too small a sum. And, even from the other point of view, I do not see any reason why the Government should oppose it, because, my Lord, if this one crore or whatever be the sum is to be backed up by hard cash, gold and silver bullion and coins, then I do not think there would be very much reason for the introduction of heavy bills against the one-rupee or two-and-a-half-rupee currency notes that they need be afraid about the acceptance of my amendment. But so long as the Government propose to have a cash reserve against the one-rupee and two-and-a-half-rupee notes, there seems to be no reason why they should not accept this amendment. I feel sure that, inasmuch as one-rupee and two-and-a-half-rupee notes would certainly be presented for encashment in much larger numbers than five or five-rupee notes, the Government would find it necessary to coin more silver if they added to the one-rupee note circulation. In these circumstances, my Lord, I think this is a necessary and useful amendment, and I hope the Council will see their way to agree to it."

The Hon'ble Mr. M. W. Hoare.—"My Lord, I rise to oppose the amendment which has been moved by the Hon'ble Mr. Barnes."

"When the proposal of the Government of India to introduce one-rupee and two-and-a-half-rupee currency notes was first circulated for the information of commercial bodies, banks and other representative bodies, I think I am right in saying that two points were fairly generally agreed upon by most of the commercial bodies and banks mentioned. The first point was that it was not believed that these notes would at once find to a very general popularity. It was thought that their circulation would probably be some time at least in confined principally to the Presidency towns and the other large towns, and it was not therefore believed that they would provide any general or immediate means for the shortage of metallic currency from which the country was suffering. The second point on which I think most commercial bodies were agreed was that it would be very undesirable to attempt to force these small currency notes upon the agricultural and less educated classes and that the demand for them must be allowed to spring up gradually and naturally. I gather from the speech of the Hon'ble Mr. Barnes that it is on this latter point that he is afraid. He seems to think there is a danger of the Government of India attempting to force these notes upon the unwilling agricultural and labouring classes. I see no reason whatever to imagine that the Government of India would embark upon a policy of such flagrant folly as that, and, in fact, in the speech of the Hon'ble the Finance Member, when he introduced the Bill the other day, he laid stress upon the necessity for caution in introducing these notes. If, therefore, the notes are not forced into circulation and are readily acceptable, I see no possible object in trying the hands of the Government of India as to the total circulation to be allowed. Moreover, if these notes do obtain a greater and speedier popularity than was generally anticipated, what harm will be done?"

These alterations will displace to some extent either the circulation of notes of larger denominations or the circulation of metallic currency. To the extent to which they displace the circulation of notes of larger denominations, the total note circulation of Government will not be increased; to the extent to which they displace the circulation of rupees, these rupees will flow back into the Government treasuries and thereby increase the metallic reserves held against any increase of these notes circulation. I therefore oppose any subsidiary issue which it is sought to place upon the circulation of these notes."

The Hon'ble Sir PATTABHAKT CHANDRASEKAR.—"My Lord, the amendment of my friend the Hon'ble Mr. Sarma, is an important one and no harm will be done in accepting it. It will be a very long time before the limit suggested by Mr. Sarma is reached because these notes are to be introduced for circulation first of all in the Presidency towns, and thereafter gradually in the mofussil and the rural districts. The circulation in the mofussil is bound to be small, and even two millions will take a very long time to get into circulation. I therefore consider there is no objection if the amendment is accepted."

The Hon'ble Sir DAPHNE WACHS.—"I agree with what has fallen from the Hon'ble Mr. Hoag."

"The objection raised by the Hon'ble Mr. Sarma is to the danger of circulating one-rupee notes among the agricultural and labouring classes as to doubt a strong one. But, as a matter of fact, when the Hon'ble the Finance Minister came down to Bombay the other day and attended a meeting of the Indian Chamber of Commerce, I was one of the persons who pointed out that objection, and I believe the Hon'ble the Finance Minister agreed with us that these notes should not be forced upon the poorer classes. Not only that, but I think that the experience of such an experienced man as the Finance Minister would be that, looking into the past history of currency, especially the history of the five-rupee notes, he must have known very well that currency notes of small denomination will take a very long time to get into circulation at all even in the Presidency towns."

"Five-rupee notes were first introduced about 1878, and even up till 1905 the circulation was very, very small. From that time downwards we have of course an improvement; but the point is that the circulation of five-rupee notes even to-day, taken the whole circulation together, does not go beyond 5 per cent. The Hon'ble the Finance Minister knows all about this, and he is aware that even five million rupees in these notes will take a long, long time to circulate. Therefore I think, Sir, it would be far better that there was no restriction such as the Hon'ble Mr. Sarma wants. The Government of India, the Currency Department, all are very well aware of how slowly these notes will circulate. As education keeps the masses to understand the value of paper currency and how its circulation will be promoted. Taking all this into consideration, I think it would be far better to leave the Government of India a free hand in this matter than to restrict the circulation as the mover of this amendment proposes."

The Hon'ble Rai BHANU RAT BHADRAJ.—"My Lord, although I give my hearty support to this Bill I have some misgivings as to whether the proposed Rs. 1 and Rs. 2½ currency notes will prove popular in rural areas, where the old-fashioned peasant, with their common-sense ideas, may not be ready to accept these notes. Merchants and middlemen find it very difficult to make them accept these notes, and the result is that in every large market, as we see in Bengal, large quantities of silver coins have to be despatched from Calcutta to the mofussil to enable the jute merchants to purchase jute from the jute cultivators. Apart from this, there are also other reasons why one and two and a half rupee notes will not be acceptable or popular in rural areas. As has been pointed out by the Hon'ble Mr. Sarma himself, our dry climates and high temperatures generally dry even about the persons without their being damaged even when working in submerged fields or wading through water as they have to do in such tracts and other low-lying areas. But what will be the condition of currency notes when soaked in water? It is therefore reasonable to suppose that these people will prefer to accept currency notes, and I hope the experiment will in the end be confined to Presidency towns and not extended to rural areas."

The Hon'ble Mr. K. V. RAMASWAMY AYYANGAR.—"My Lord, it is a very old question that the currency reserves are not held in India. As long as the currency reserves are not held in India to be of benefit to Indians and as long as they are held in England, an undoubted increase of currency will not have the support of non-official Members of this Council. I do not think that at this crisis England should not be benefited by having the free use of our reserves."

His Excellency the GOVERNOR.—"I should be glad if the Honourable Member would confine himself to the amendment. The amendment deals with the particular question of currency notes of the value of one rupee and two and a half rupees."

The Hon'ble Mr. K. V. RAMASWAMY AYYANGAR.—"I am only saying that undoubted reserves of currency held in England."

His Excellency the GOVERNOR.—"I think the Honourable Member has strayed from the subject-matter of the amendment."

The Hon'ble Mr. M. B. BANERJEE.—"My Lord, I entirely coincide myself with the remarks which have fallen from my Hon'ble friend Sir Daphne Wachs. But I have one question to ask in connection with this matter. I am not opposing the Bill at all, but my Hon'ble friend Sir William Meyer will be in a position to throw some light on the subject."

It has been stated that the life of a currency note is ordinarily about six months, and that the price of manufacturing a currency note is about half-a-crown per note. In that case it is apparent that in a very short time, say in twelve to sixteen years, the expense which we shall incur in manufacturing the note will be too heavy. In other words, the question is whether the manufacture of one-rupee currency notes will eventually pay us. I was looking forward for some explanation on this point from the Hon'ble Mr. William Meyer in the illuminating speech which he made the other day, but he gave none, nor has he stated anything on the subject to-day. He might enlighten the Council by giving some explanation on this point."

The Hon'ble Mr. William Meyer:—"I will begin, my Lord, with the point raised by the last speaker, the Hon'ble Mr. Dallooy. I cannot give him an exact estimate of the cost of these currency notes, because they are being made at home by the Bank of England and we have not got sufficient data; but I may say in general terms that it is not likely that the rupee note will cost more than six or seven pence, and I would remind my honorable friend that these notes, besides they become popular, will have the further advantage of inducing people to use the larger notes. And there is no question whatever as to the relative cost of the Rs. 5 note and the Rs. 2½ note as compared with equivalent metal."

"My Lord, I cannot accept this amendment because it ties the hands of Government and I am afraid is calculated to interfere with the success of the experiment which we are instituting. I would understand the need for strictly limiting the issue, if it were proposed in any way to make these small notes inconvertible, or too easily convertible than any other note. But nothing of the kind is proposed. They will be national notes, as convertible as any other—in fact, more so, because, as I said the Council the other day, we are going to give special facilities for their redemption at post offices."

"Well, as I have already explained, this is an experiment. We are fully aware of the undependability of forcing these notes on the people. I can assure the Council that no man will be required to take the notes against his will, and, as I have just said, if he finds himself in possession of notes by exchange or otherwise, he can get them cashed. Now, this experiment may be a 'frank' to use a slang word; or at any rate it may progress very slowly. In that case, we do not need any arbitrary limit as to the issue of the notes. If there is very little demand for the notes, they won't be issued. But many unexpected things have happened, occasionally and suddenly, in the course of this war. It may be as I hope, that the notes will attract very considerable and rapid popularity, in which case their issue will be gradually extended from the Presidency towns to other centres."

"How undesirable would it be, then, that this experiment, which the Hon'ble Mr. Seame witnesses, should be religiously tied up, because the Government had reached the end of its tether and had to rush the Council or some an Ordinance to get the limits extended? I can conceive of nothing which would affect these notes more unfavorably than that."

The Hon'ble Mr. Seame then asks, if the amendment succeeds, what will be the gain? He says, we will have to keep reserves against the notes we issue. Well, if we hereafter adopt the recommendation that a large definite percentage of the note issue should be convertible, we have the advantage that we shall not have to keep a cash reserve against the full amount of those notes. But even if we had to keep their full value in the Currency reserve, we should still have the benefit of keeping the rupee in a neutral reserve instead of having them scattered about the country and possibly disappearing into hoards."

"I would remind the Council too that in no other case do we limit the issue of any particular class of notes. The legislature may indicate what classes of notes should be issued, and it prescribes the limits of the total circulation by the maximum it lays down in respect of the Paper Currency reserve. But nobody has ever thought of laying down that no more than a certain amount of one-rupee or five-rupee notes and so on should be issued. If you put this disability on those Rs. 1 and Rs. 2½ notes by saying that no more than a specific amount shall be issued, I say you are introducing an artificial want of confidence, and that you are thereby handicapping the success of the experiment which the honorable member of the amendment proposes to actually to desire. For these reasons, I am unable to accept the amendment."

The Hon'ble Mr. Baboier B. N. Sarda:—"My Lord, I am astonished to say that the reasons given against my amendment by the various Honorable Members have been not noticed any of the necessities of my amendment. It has been said that the Government do not wish to force these notes on anybody and that it is only a slow growth that can be expected. But my Lord, when we make Rs. 1 and Rs. 2½ notes legal tender, we do not force every one of His Majesty's subjects to accept them in remuneration for his wages or for any other purpose? Suppose a ruler—say at the end of the day gets a rupee in the form of a currency note. He cannot say 'I decline to take it.' He is bound to take it and then he will have to cash the same at the treasury or other office to get it in exchange; if it were a rupee, perhaps the demand would only be a quarter of an anna or so, but if it were a one-rupee currency note, he might have to pay a couple of annas. I may quote my own personal experience. It was only in June last that I went to a small station where my own personal expenses I could not induce the laborers there to accept a one-rupee or a five-rupee note; I had to take the aid of the Gurnee of the village to take those people to the nearest market in order that the notes might be changed into rupees and those people paid. If that was my difficulty only three months ago is a station only fifteen miles away from the treasury, what would be the position of a laborer when this one-rupee note is forced on him because it is a legal tender?"

It would really mean in his case only 12 or 13 acres. Therefore, my Lord, while we make it legal tender we are naturally forcing it upon the people, and the present money position makes it all the more necessary that we should be apprehensive that the trade will force upon the market those Rs. 1 and Rs. 25 notes because we have been finding that we are sometimes short of cash. That is the reason why the Government of India took the trouble of issuing within a very short time 250 crores of rupees. That shows clearly that the market demands rupees; and if they cannot be supplied in abundance, the tender institutions and others who have to lay their goods will force these notes upon the public and they will not be confined to the Presidency towns; they are bound to extend into the interior with the undesirable results stated.

"Then, the Hon'ble the Finance Member said that it is quite possible that the public may overvalue these and that the circulation may extend beyond a score of rupees in a short time. Nobody would welcome it more than I. We are working only three months hence in Delhi; and if the Finance Minister can come before the Legislature General and say that within three months he has been so successful, so fortunate, as to be able to make the public accept more than a crore's worth of Rs. 1 and Rs. 25 notes, the Legislative Council will be only too ready to erect any further limitation that he may desire. And surely it cannot be said that within three months the limitation of one crore would produce want of confidence in the Government. My Lord, the real fear in my mind and in the minds of certain of us is that there would be a temptation on the part of Government to turn on the market a large number of three notes against treasury bills and securities, making the whole position of note circulation even more hopeless than it is at present. My fear may be extended, but we have to be decisive. Therefore, my Lord, I am unable to withdraw the amendment."

The motion was put and agreed to.

The Hon'ble Sir WILLIAM MAYER :—My Lord, I now move that the Bill as amended be passed.

The motion was put and agreed to.

THE INDIAN TRANSFER OF SHIPS RESTRICTION BILL.

The Hon'ble Sir GEORGE BARNES :—This Bill, your Lordship will remember, was introduced on the 14th of September, and no objection was raised to it until yesterday and the day before when several telegrams were despatched from Bombay to various Members of this Council, asking that the Bill should be referred to a Select Committee. My honorable friend Sir DENISON WATTS, who received one of the telegrams, at my request telegraphed to inquire what were the particular points in the Bill which it was thought would be merited by consideration by a Select Committee. He was good enough to hand to me the telegram which he received in reply which makes it clear that the grievance relates solely to the risk of, impairment; reference to a Select Committee would be too tardy; and the only way therefore in which they could be remedied would be by withdrawing the Bill altogether and allowing the shippers to transfer their vessels to neutral flags. The liability to impairment is one of the necessities of the war which has been unfortunately forced upon the British Empire, and is a burden which all parts of that Empire must share. This very point was specially brought out in the Statement of Objects and Reasons attached to the Bill from which I quote :

"The increasing restrictions which it has been necessary to impose upon British shipowners have greatly added to the risk of owners attempting to escape both such restrictions by transferring ships to foreign registry."

"It was in consequence of this risk that the Government of India decided, only after great hesitation, to place before them that the possibility of transfer was actual and immediate, in fixing their legislation into line with that of the United Kingdom."

"I feel it my duty therefore to make it clear that we cannot allow the measure yet forward to delay the passing of the Bill. I am fully aware that the governments are very real, and, and are not the less felt here, because they pass equally upon shipowners in all parts of the Empire. Although very large numbers of ships belonging to British owners in India were impressed from the outbreak of war, it was not until comparatively recently that it was found necessary to impress the ships belonging to Indian owners. Since then we have had before us representations regarding such cases, and in dealing with these representations the Government of India have showed their special sympathy and support to those especially where the owners were owners of single ships. An owner who owns a single ship is obviously far more severely affected by the impressment of that ship than a large company by the impressment of several ships. We were able to see from His Majesty's Government a special scale rate of Rs. 2 per ton in favour of ships described as Indian. This addition represents an increase roughly speaking of over 15 per cent on the Admiralty blue-book rate, which applies to British ships generally. We were also able, until the pressure upon shipping became too severe, to obtain the release from impressment of several boats belonging to Indian owners, but lately owing to the increasing stringency of the shipping position and the vital necessity of spreading the Imperial control of shipping as widely as possible, we have found His Majesty's Government unable to comply with our recommendations for release. This does not mean, however, that we are in any way relaxing our efforts in the interests of Indian shipowners, and we are prepared to

* give every consideration to any proposals regarding the introduction of this general system of Government and to support it His Majesty's Government may suggest which we think might be reasonably put forward.

"I beg to move, my Lord, that the Bill be taken into consideration."

The motion was put and agreed to.

The Hon'ble Mr. M. A. Jinnah :—"My Lord, it is with some hesitation that I ventured to give notice of the amendment that stands in my name that in clause 8 (f) (g) (h) after the words and figures 'Aligarh Act, 1914' the following be inserted:—and will include Indian subjects of His Majesty," because I am fully aware that the Legislative Department is very shyly represented. However, the question is one which I thought, when I moved the agenda, showing that the Hon'ble Member in charge of the Bill was going to move that it be taken into consideration and passed, should be placed before the Council. The agenda was moved by me only on Monday night, since then I have tried to devote some attention to this question. The matter stands in this way:—The definition in the Bill is this, section 2 says:—

British subject means a person who is a natural-born British subject within the meaning of the British Nationality and Status of Aliens Act of 1914."

* Now, the question is whether that definition will include an Indian subject of His Majesty or not. It seems to me that there is considerable doubt thrown on the point by the Act of Parliament passed from time to time (for this purpose I will draw the attention of the Council to the observations made by Elliot's book, "The Government of India," he says on page 334) —

"It appears to have been held at one time that the expression "natural-born subjects" is, in the statute affecting India, always taken to mean European British subjects, and, although this position can no longer be maintained in its entirety."

"He then refers to some English statutes:—

"There is ground for argument that it may be construed subject to restrictions as to application to descendants of non-European subjects of the Crown."

"Then on page 411 this is what he says:—

"Consequently the term "British subject" has to be construed in a restricted sense in the earlier of the enactments, and it is possible that the restricted meaning which had been attached to it by usage still continued to attach to it when used in some of the enactments dating subsequently to the time when British India had passed under the direct and immediate sovereignty of the Crown. The term as used in Acts of Parliament was never positively defined and perhaps was treated as including generally white-foreign residents or subjects in the country by way of condescension to the native population."

"I am fully aware that the Hon'ble the Law Member will probably point out to me that if we turn to the definition—after all this is a definition by reference—to the Act of 1914, the words are as follows:—

"The following persons shall be deemed to be natural-born British subjects, namely, any person born within His Majesty's dominions and allegiance."

"Now as to the word "dominions" it may be that the Hon'ble the Law Member will say that it will include any part of the Empire, and that will include India. The only limitation which I have in my mind is that when we talk of dominions that generally means, that the idea of a self-governing dominion and that does not include India. We have the term in the first place "British possessions" and it is a question whether that term will include India or not. It is for that reason, my Lord, that I want to make it quite clear and as I propose in my amendment the addition of the words "and will include Indian subjects of His Majesty." However I am open to criticism and if the Hon'ble the Law Member wishes the Council that the clause does include Indian subjects of His Majesty I am prepared to accept the statement."

* My Lord, I want to make one observation that is not quite germane to my amendment; I don't want to make a second speech. With regard to what falls from the Hon'ble Member in charge of the Bill I have no doubt that explanation will entirely rid the feelings that were created in Bombay but I would like to point out that the referred to apprehensions as the words of shipwreck) the Hon'ble Member is perhaps aware that when the Act was passed, . . .

The Hon'ble Mr. G. R. Lawton :—"I venture to rise to a point of order. It seems to me unreasonable that the Hon'ble Member should go outside his amendment. He would no doubt be in order if he said what he is now proposing to say on the motion that the Bill be passed. I quite agree that it is sometimes desirable not to make two speeches but it might be difficult to apply to this in the present motion."

His Honour the President :—"In view of what the Hon'ble the Law Member has said I hope the Hon'ble Mr. Jinnah will defer his remarks."

The Hon'ble Mr. M. A. Jinnah :—"My Lord, I did not want to make a second speech."

The Hon'ble Mr. G. R. Lawton :—"My Lord, I hope my learned friend will make a second speech on the subsequent notice. I am very desirous that his proposals should be ventilated as there is probably a very simple answer to be given to them and it is probably better that it should be given in this Council. With regard to the amendment that his hon. friend is perhaps within the jurisdiction of the Council that when this Bill was before us on

the last occasion, on the motion for leave to introduce, the Hon'ble Pandit Madan Mohan Malaviya made certain remarks upon it at the end of which he asked me whether I considered that the definition included Indian subjects of His Majesty and though I am well aware that a legal opinion given hastily and without consideration was possibly at the smallest value, I thought I was justified in giving the answer, which I then gave, and I am equally clear as to my opinion on the point to-day. The Hon'ble Mr. Jinnah has referred to a doubt as to Lord's basis as to the meaning of 'natural-born British subjects'. Now I do not dispute that, prior to 1858, when India came directly into the possession of the British Crown, the term 'natural-born subject of His Majesty' was used in Acts of Parliament in a sense which did not include Indian subjects of His Majesty, as the position of India was then somewhat different from what it was after 1858. Take the Government of India Act of 1858. In section 31-1 am speaking from recollection—of that Act, the expression 'natural-born subjects of His Majesty' is used in the sense of what we now speak of as 'European British subjects'. That this is the sense in which it is used in that particular section is quite clear from the context of the section. It provided that people might come from Great Britain and settle in India and it is in that connection that the expression is used. In 1864 the Foreigners' Act was passed in India and in it the draftsmen adopted the same meaning of the expression 'natural-born subject of His Majesty'. In the definition of 'foreigner' in that Act it is perfectly clear that words are used in that sense. I would like to point out to the Council the difference which has been made since then by the recent amendment of the Act. In the wording of the Foreigners' Act of 1914, as it was originally passed, a 'foreigner' is described as 'not being either a 'natural-born subject of His Majesty within the meaning of section 31 of the Government of India Act of 1858, or a Native of British India.' I think the Council will see that it is perfectly clear here that the expression 'natural-born subject of His Majesty' is used in contradistinction to 'a Native of British India.' But this section has since been amended and has been brought into line with the modern form of expression. The definition of 'foreigner' in the amended Act covers a person 'who is not a natural-born British subject as defined in subsections (1) and (2) of section 1 of the British Nationality and Status of Aliens Act, 1914.' My Hon'ble friend Mr. Jinnah is, as correct, as he always is, in dealing with the old law, but the position now has been entirely altered. A new definition ought, I think, to have been adopted after 1858, and it seems to me that it was probably a mistake to have followed the old one in 1864; however, that is now ancient history. But with regard to the definition adopted in the present Bill all that we are considering now, and the sole question on which my Hon'ble friend feels a doubt, is whether the expression which we have adopted from the English statute, namely, 'any person born within His Majesty's dominions'—whether there is even a shadow of doubt that now in 1917, those words cover Indian subjects of His Majesty. I quite agree with my Hon'ble friend that if there is, as I say, even a shadow of doubt as to this point, this amendment ought to be accepted. But I venture to put it to the Council that there is none. The explanation is this. The latter term which can be used of the British Empire is 'His Majesty's dominions'. The term 'dominions', derived from the Latin word 'Dominus', means all that is under the lordship and authority of the King. It includes the whole of the British Empire. It includes the Great Britain and Ireland, British India and all the Colonies. Next we have an expression which is used to describe the United Kingdom but is never employed else, namely, 'British possessions'. 'British possessions' denotes the whole of the British Empire except the United Kingdom, and includes British India and all the Colonies. Thus really we have an expression which includes British India and all the Colonies. Therefore, you have these three classes of possessions, the widest, which we have got here 'British dominions' including the whole of the British Empire; the second 'British possessions' including British India and the Colonies, and the third 'Colonies' which includes British India. I am not speaking without the book because if my Hon'ble friend had had more time to look into this question, he would no doubt have turned to the English Interpretation Act of 1889, which is the equivalent of our general Clauses Act of 1895, and he would have found in it if he had turned to section 18, all that I have just told the Council. He would have found by implication, a very definite implication, that 'British dominions' includes the whole of the Empire; that 'British possessions' includes the whole of the British Empire, excluding the United Kingdom, and that 'Colonies' includes British India. Perhaps it may be convenient if I read to the Council the exact words of the definition of British India in section 18, I do not propose to read the whole of the section but only subsection (a), as it seems to me to contain the basis of the whole thing. The expression 'British India' shall mean all territories and places within His Majesty's Dominions which are for the time being governed by His Majesty through the Governor-General of India or through any Governor or other officer subordinate to the Governor-General of India.

* Here, I think, the Council will see that the expression British India in all English statutes is defined to be a part of His Majesty's Dominions. In the present Bill we have merely adopted a definition, from the most recent English statute, the British Nationality and Status of Aliens Act of 1914, and we have adopted it exactly as it is set out in the statute for the sake of convenience. The definition that we have adopted begins 'Any person born within His Majesty's Dominions and allegiance,' and the statute from which we have taken it is definitely subject to the Interpretation Act of 1889. That is to say, you have got to construe every word you find used in it by the dictionary in the Interpretation Act.

* If you turn to that dictionary you find very clearly and definitely that in this Act, the expression 'British dominions' does include British India.

"There is only one other point that I wish to refer to and that is that we have already adopted this same definition in at least two previous Acts and have without comment in this Council, and I may say that the clause has not fallen upon us. We have already accepted the definition from the Foreigners Act of 1861, as amended by Act III of 1915, and we have also adopted it in Act III of 1916, where we have taken a definition of 'British subject' which is based on the same definition from the same Act. I submit, therefore, to the Council that they need not have the least apprehension as to whether the expression 'persons born within His Majesty's Dominions' includes British subjects of His Majesty."

The Hon'ble Pandit MADAN MOHAN MALAVIYA:—"My Lord, there is no doubt that what the Hon'ble the Law Member has said stands up the position to a great extent, but I am not so sure that it shows it up altogether, and what I would urge is that, when we are passing a law in this Council which will affect the people of India, there can be no reasonable objection to making it clear that 'British subjects,' as defined in the Act will include the Indian subjects of His Majesty? If it requires all the learning of our esteemed friend the Hon'ble the Law Member . . ."

The Hon'ble Mr. G. R. LOWMEYER:—"No, Sir!"

The Hon'ble Pandit MADAN MOHAN MALAVIYA:—"I beg your pardon. If it requires the great learning of the Hon'ble the Law Member, to refer to several enactments, several British statutes, to make it clear that British subjects, as defined in this Bill, will include the Indian subjects of His Majesty, and if it also leaves the possibility of a court of justice not accepting the view propounded by the Hon'ble the Law Member, is it not desirable that the matter should be placed beyond doubt by a few words being included in the Bill? The last thing which the Hon'ble Law Member referred to was that British India would include all places within His Majesty's Dominions . . ."

The Hon'ble Mr. G. R. LOWMEYER:—"My Lord, I certainly did not suggest that British India included all places within His Majesty's Dominions."

The Hon'ble Pandit MADAN MOHAN MALAVIYA:—"I beg your pardon, the Hon'ble Law Member said that—"

"The expression 'British India' shall mean all territories and places within Her Majesty's Dominions which are for the time being governed by Her Majesty through the Governor-General of India or any officer subordinate to the Governor-General of India."

"That is to define 'British India' and to indicate what territories and places within Her Majesty's Dominions shall be under the control of the Governor-General of India. It does not lay down the regions that British Dominions shall include British India. If it did so these clear terms, there would be no room left for doubt. The other day I drew attention to the disadvantages of legislation by reference, and here the disadvantage is brought out in a very clear manner, when it leads to the necessity of an amendment being proposed such as has been proposed, and to an explanation being offered. I think, therefore, that the amendment of my friend the Hon'ble Mr. Jinnah should be accepted. I would suggest that a little attention is to be given to it, and so make it run better with the text of the section as it stands. I suggest it should read as follows:—'British subject means a person who is a natural-born British subject,' or, 'or is an Indian subject of His Majesty.' I submit, my Lord, that the Indian subjects of His Majesty are entitled to claim that in Indian legislation, in an Indian statute, they should be mentioned before any other subjects of His Majesty."

The Hon'ble Dr. T. T. BHARUCHA BUNDO:—"My Lord, I approach the question from a purely lawyer's point of view and having regard to what has fallen from the lips of the Hon'ble Law Member, I confess that my mind is free from doubt on that subject. My Lord, as the Hon'ble Law Member has pointed out, the first clause refers to the definition in the British Nationality and Status of Aliens Act, and there the word 'Dominion' does not doubt occur, which goes to show that India would be included in the term 'Dominion.' My Hon'ble friend Mr. Jinnah said that the word 'Dominion' makes a certain amount of doubt in his mind. With all respect to him, I would say that, so far as I am aware, the word 'Dominion' is not a technical expression, and as he has pointed out by the Hon'ble Law Member, it is wide enough to cover the case of India. The amendment therefore seems to be superfluous."

The Hon'ble Mr. G. R. LOWMEYER:—"I do not know whether the Hon'ble Mr. Jinnah desires to withdraw his amendment. If he presses it, I should like to say a word in reply to the point of view to show the very faintest shadow of doubt on the question of whether an Indian subject of His Majesty is included within the term which we have in this Act, 'any person born within His Majesty's Dominions' . . ."

The Hon'ble Pandit MADAN MOHAN MALAVIYA:—"If you do not consider it is a particular statute, I would accept that."

The Hon'ble Mr. G. R. LOWMEYER:—"We in India treat ourselves as being part of His Majesty's Dominions, and I for one could never be a party to the idea that we are not sitting here in India in His Majesty's Dominions. In the second place, I would only point out this, that if you do in this particular Act insert this somewhat unusual addition, you throw very considerable doubt on the previous Acts in which we have adopted the same definition without qualifications. Finally, I would only say in regard to the same thing the Hon'ble Pandit

has said with regard to my resolution, that it does not require a very red thread of reasoning merely to turn it a dictionary to see what an expressed means. The English Interpretation Act is nearly a dictionary of the statute."

The Hon'ble Mr. M. A. Ponnau — "I may say then, that I entirely agree with the Hon'ble President in the compliment he paid to the Hon'ble Law Member. I will not move any then, my Lord, that if I were a judge and I had the Hon'ble Law Member before me arguing as he has argued, he certainly would convince me. There is a great deal of force in what he says and I find it necessary for me to take up the time of the Council and press the amendment."

The amendment was by leave withdrawn.

The Hon'ble Sir GEORGE BAKER — "My Lord, I move that the Bill be now passed."

The motion was put and agreed to.

THE INDIAN TRUSTS (AMENDMENT) BILL.

The Hon'ble Sir PANGLOSS CHAMBERLAIN — "My Lord, I beg to move that the Bill to amend the Indian Trusts Act, 1883, be taken into consideration. The Bill has been widely published and no amendments have been proposed. I therefore think it necessary to detain the Council and go into details further and I will therefore only ask that the Bill be taken into consideration. But before I move that, my Lord, I would however just ask for a few minutes indulgence on the part of Hon'ble Members to permit me to pay a tribute of grateful appreciation to my Hon'ble friend Sir Claude Hill, whose absence I regret very much, in his department, and to the Government of Bombay, for the help they have given me in carrying this measure through. With those few words I beg to move that the Bill be taken into consideration."

The motion was put and agreed to.

The Hon'ble Sir PANGLOSS CHAMBERLAIN — "I beg to move that the Bill be now passed."

The motion was put and agreed to.

RESOLUTION RE SELF-GOVERNMENT.

The Hon'ble Mr. M. B. BANERJEE to move the following resolution:—

"This Council recommends to the Governor-General in Council that he be pleased to declare that the attainment of self-government within the Empire is the ultimate goal of the policy of the Government of India, that it proposes to take early and definite steps towards that end by the diffusion of primary education, the steady expansion of local self-government, the advance towards provincial autonomy as far as practicable, and the liberalization of the Government of India and of the Provincial Governments on progressive lines."

"My Lord, I had given notice of this resolution before the proclamation which was made in Parliament by the Secretary of State for India and which was published in the Gazette Extraordinary of the 29th August last. And further in view of that proclamation and your Excellency's weighty proclamation made in the Council on the 5th of last month I do not think it necessary to press this resolution. I ask your Excellency's leave to withdraw it."

The resolution was by leave withdrawn.

RESOLUTION RE ELECTION COURTS.

* The Hon'ble Mr. M. B. BANERJEE — "My Lord, the Resolution I beg to move now this—

"The Council recommends to the Governor-General in Council that Election Courts be established at all important centres in India, with powers to try all disputes relating to election whether to the local bodies or to the various councils, expeditiously and finally."

"The want of a speedy and efficient machinery for the trial election disputes has been felt by the people for some time past, but the matter does not appear to have attracted the notice of Government before the dispute about the Hon'ble Mr. Abdur Rehman's election to this Council. Before the expansion of the various councils during Lord Lansdowne's tenure as Viceroy and Governor-General of India, election was confined to the local bodies only, and disputes relating thereto had not attracted the gravity they have since done. The law also was practically blank sheet. The grounds on which elections could be attacked and annulled. The rules issued under the Local Self-Government Acts and the Municipal Acts by the Provincial Governments alone regulated the elections, and any violation of those rules *per se* rendered the elections void. So as the state of the law was in those times there were cases challenging the validity of elections with varying success. In the absence of a special machinery for trial, they were brought in the ordinary civil courts of original jurisdiction under section 11 of the old Code of Civil Procedure, and section 42 of the Specific Relief Act, and the courts had to decide the issues according to good sense, or, in other words, according to the principles of the English law on the subject as contained in Corrupt and Illegal Practices Prevention Act, 1883 (65 and 47 Vict. C. 51), and Municipal Elections Act, 1882 (45 and 46 Vict. C. 12). One such case *Sahayad Singh v. Abdul Gaffar* would be found reported in Indian Law Reports, 20 Cal., p. 107. Important points about the maintainability of such suits and the jurisdiction of the civil

court was decided in that case in favour of the plaintiff by the Calcutta High Court. Three days after the opening to municipal elections had not reported in the *authorised Law Reports*. One of these, *Tilla Bhai*, No. 156 of 1925 of the Court of the Subordinate Judge in a certain district in Bihar, was quite *anomalous* in character on account of the *erroneous allegations* made by the plaintiff and the position of the party against whom they were made. That case was decided in the plaintiff's favour, and the decree was upheld on appeal.

"My Lord, with the further enlargement of the franchise under what is known as the *Montagu-Chelmsford Scheme* and the extension of elective rights, a situation has been created which is not easily handled by the Executive under the Regulations framed by Government in that behalf and by the civil courts under the Statute and case law. Several complaints have been made to Government, but the election in each case has been declared valid. No case has been taken to the court except in Bengal after the last election, but the High Court original suit was abandoned in pursuance apparently of a compromise. But the dispute about the Hon'ble Mr. Ashutosh Mukherjee's election has revealed the weak points in the present arrangements, and has emphasised the need for a radical change. Hon'ble Members must be aware of the history of that case. Two important facts emerged in the course of the proceedings. In the first place, it was clear there was some sort of misunderstanding between the parties. Whether it was a corrupt or a compromise is somewhat doubtful. But that there was a settlement of differences, *ad hoc*, of little doubt. In the next place, the petitioner having withdrawn the petition and there being delay in hearing, proper action was not forthcoming. In the *Memorandum of the Government of India, Legislative Department*, No. 10, dated the 25th April 1927, your Excellency observed that your Hon'bleness 'is by no means satisfied that the election was free from corrupt practices'. Your Excellency was so impressed with the unsatisfactory nature of existing arrangements that your Excellency allowed to the desirability of permanent legislation to provide effective machinery for the investigation of election petitions to the future. Your Excellency also affirmed your determination not to tolerate anything in the nature of a collective compromise in an election dispute. And the measures before the Council invite the attention of Hon'ble Members to the need of speedy legislation in the subject, providing for the establishment of election courts for the trial of election disputes. These disputes, far from disappearing with time, are bound to grow in number and frequency. Everything points to the conclusion that since the war there will be important changes in the constitution of the Administration, probably all leading to the abolition of something analogous to a semi-parliamentary system of government based upon representation. An inward side and substantial advance in the direction of responsible government is provided. It may fairly be assumed that a further enlargement of the franchise will be taken in hand in the immediate future. And necessarily local self-government will be rapidly developed as an elective basis. Election will necessarily play a more and more important part in Indian polity, and disputes about the validity of particular elections must ultimately become both frequent and grave. Now if in existing circumstances the machinery is found wanting, with a large increase in the volume of business it will become absolutely useless. It is better to be prepared in time, and to make adequate provision against a contingency that is sure to happen.

"My Lord, the needs of the situation are two-fold. In the first place, the law about elections must be clearly defined, and the process which vitiate an election should be stated with precision in a self-contained Act. The English Law cannot serve the purpose on all occasions. An Indian Act is necessary. It may be modelled upon the English Act, but difference in local conditions may and will render additional provisions and alterations necessary. The principles with undebatably be the same. In the next place, the ordinary courts must be relieved of the duty of administering the new law if only for the sake of expedition. It is of the utmost importance in these matters that the investigation should be finished as quickly as possible. That condition the ordinary courts are, for a variety of reasons, unable to fulfil. In England the King's Bench Division of the High Court of Justice has jurisdiction in regard to disputes about election to Parliament. Under the *Parliamentary Elections and Corrupt Practices Act of 1879* (42 and 43 Vict. G. 75), a vote is prepared by the 4th November every year of three persons (judges two of whom are selected to hear election petitions. The procedure provided is somewhat complicated and extended to conditions other than Britain. If upon the report of an election court to the Speaker both Houses by a joint address represent to the King that corrupt practices either have, or are believed to have, extensively prevailed at an election in any country or city, borough, university, or place, and pray for an inquiry by persons named in the address, His Majesty may by Royal Warrant appoint three persons Commissioners for the purpose of a thorough inquiry. Election Commissioners may be similarly appointed on the petition to the House of Commons of two or more electors of any electoral division, alleging the extensive prevalence of corrupt or illegal practices at an election, within twenty days after the return to the Clerk of the Crown or other return there after the meeting of Parliament. For the investigation of disputes relating to municipal elections a special 'election court' is constituted under *Municipal Corporations Act, 1888* (51 and 42 Vict. G. 53). The court is presided over by a *qualified commissioner* who is appointed by the judges of the aforesaid court and who certifies his judgment to the High Court. The procedure at the hearing and in the subsequent stage is substantially the same as in the case of petitions relating to Parliamentary elections. The system works satisfactorily in England. But in India, while the broad principle may be followed, different local conditions will necessitate modifications in important particulars. The system created, and the English procedure will be superfluous in India. The country is so vast that a number of courts at different centres will be more

satisfactory. And in this scheme of district courts the primary object to be kept in view is that a judicial machinery at once simple and effective should be provided for investigation of election petitions. Without considerable simplification of the ordinary procedure of the civil court, the end cannot be attained. Expedition is the great point, and with a cumbersome procedure it is impossible. But while I emphasize the end, the quiet disposal of it is further from my mind to suggest that that should be effected by striking all cases or hearing them *en bloc*. On the contrary, care must be taken to impress upon the courts that such a procedure will defeat the main purpose of the special legislation and of the special arrangement. It must be borne in mind that a thorough investigation is what is desired by Government, not in the interest of individual suitors, but for the purity of elections. It is not so much a personal matter of the plaintiff. As in a serious criminal case the Crown is the party most interested in the result, Government, without being formally on the record, has a substantial interest in all election petitions. At the same time false petitions must be discouraged by making the party responsible for them liable to prosecution and to pay costs.

"My Lord, for the sake of economy the highest civil court of ordinary jurisdiction within a district may be vested with powers under the special legislation advocated. An important area the District Judge may have jurisdiction concurrently with the Subordinate Judge. At the hearing the courts must follow the Code of Civil Procedure in all matters where the provisions are in conflict with those of the new law. Likewise in the matter of evidence the Indian Evidence Act must be followed. The judgment in all cases must be forthwith certified to the Provincial Government, and that Government must promptly take the necessary executive action for the prosecution, where necessary, of the offending parties. But the declaration by the election court that a particular election is void, must have the effect, as in England, of causing a vacancy in the seat. It must be obligatory upon the unsuccessful party to vacate the seat. This is indispensable, as cases have occurred in the past in which, notwithstanding the most careful judgments of the civil court, defeated defendants have been allowed to hold office and to retain their seats on municipal boards through the failure of the local executive. In the case referred to above (Title Suit No. 156 of 1905) the Subordinate Judge found upon the evidence that 'corruption and undue influence existed over the voters and a corrupt practice vitiated the election, and he declared that the election was null and void.' A copy of the judgment, I am informed, was sent to the District Magistrate. But the unsuccessful defendant held his seat until the next election as if nothing had happened. This is hardly proper, and stringent provisions are necessary to prevent such a contingency. A judicial adjunction must be conclusive and binding on the executive. It will also perhaps be expedient to make the judgments of election courts final. But this is a point in regard to which His Majesty's Ministers would possibly like to keep an open mind. For the sake of expedition, the judgments should be non-appealable; for the sake of justice, however, an appeal upon both law and facts might be necessary. Public opinion may well be excited on this point. Should the right of appeal be as the end greatest, provision must be made for the admission and disposal of such appeals by a special Division Bench of the High Court or the Chief Court or the Judicial Commissioners as the case may be, within one month, or at the most two months, from the date of the decree. This can be done if the rules regarding the preparation of paper books be not applicable to this class of appeals. In England the reports of the Election Judges or Election Commissioners are final, no appeal being allowed from the conclusion, but consideration of questions of law for the consideration of the High Court is discretionary in all proceedings relating to elections. There is nothing wrong in principle in this procedure, but in India the public feeling about appeals is very strong, and in view of that feeling some concessions may be found necessary, if only for the purpose of assuaging the sympathy and the opposition of the public in the administration of a law that is novel in scope and effect.

"One other point. The judgment of an election court ought to have in India the same effect of disqualifying parties under certain circumstances for future candidatures as in England. This is a very necessary condition for the satisfactory working of the system. In England upon the finding of the Election Judges that a candidate has been guilty by his agents of any corrupt or illegal practice at the election, that candidate is disqualified for seven years. If the corrupt practice of which the candidate is found guilty by other than treating or undue influence, such candidate is permanently disqualified. In the case of municipal elections, the disqualification is, under certain circumstances, for three years, and in certain other cases for the same period as in Parliamentary elections. And all this upon the liability of the offender to punishment on conviction is a provision for offences connected with elections. But here in India, in the absence of legislative provision in that behalf, disqualification is not even thought of. In the aforesaid case the Sub-Judge found that under orders of an improper presiding officer persons qualified to vote were seized by their documents and brought to their homes under duress and released only as candidates to vote for the defendant. Voters were otherwise were sent to the polling station under custody of police and guards and produced before the polling officer under watch and ward.

"The persons qualified to vote were seized by their documents and brought to their homes under duress and released only as candidates to vote for the defendant. Voters were otherwise were sent to the polling station under custody of police and guards and produced before the polling officer under watch and ward.

"The Vice-Chancellor of the Municipal Committee, resumed his power of disposing of new applications for revision of the register of voters in such a way that the plaintiff's interest might be prejudiced and that the defendant's interest advanced thereby."

"The Sub-Judge also found that the Raja's colony with diverse areas was present at the polling station. But these judicial findings did not affect these persons in the least. On the contrary, some time after the case was heard by the title of 'Raja' and the other was

appointed to assist on the Provincial Legislative Council. It is essentially necessary that the deficiencies of the law should be supplied, and an effective judicial machinery, with large powers, should be introduced for both the prevention and the punishment of persons guilty of malpractice at elections. And, to my mind, election courts, with powers equivalent to those enjoyed by English Election Judges and Election Commissioners, are indispensable. For these reasons, I beg to move that the Government will be pleased to undertake suitable legislation at an early date."

The Hon'ble Sir WILLIAM VINCENT :—" My Lord, I think it will save time if I explain at the earliest opportunity in this debate the attitude of Government towards this Resolution. The Honorable Member has explained the position in regard to Mr. Nicholas H. Kewin A'ill and the Government freely admit that there were some unsatisfactory features in that particular case. Further they agree that Mr. Donoh's report indicated that, for other reasons, a change in the regulations was necessary and that it is desirable to enact preventive legislation in order to provide machinery for dealing with these persons, and in view of those facts the Government of India were at the point of addressing Local Governments on the subject when we received notice of the Honorable Member's Resolution. We then decided to defer further action until the matter had been discussed in Council and we intend now to embody in our letter to Local Governments any further suggestions which may come from Members of this Council. The proposition that we were about to make was the following:

"We proposed, subject to reconsideration, to impose certain additional obligations on candidates; it has been local difficulty for instance in the case of election inquiries to determine whether a particular person was or was not the candidate's agent, and it was suggested that a regulation might be made to provide that candidates before every council election should as in England be required to declare their agents agreeable to the three main associations papers submitted, a candidate being allowed to nominate himself as his own agent, if he so desired. We also proposed that candidates might, within a fixed period, be required to file a detailed statement of their expenses, and to swear to the correctness of the return, a penalty for a false oath being imposed."

"It has been found that a more complete definition of the term 'corrupt practices' is needed. What we have done hitherto is to adopt fragments of the English law; we think now that by more careful drafting these provisions of the regulations could be made simpler and more comprehensive."

"We suggest penalties for corrupt practices, power being taken to disqualify a candidate found guilty for a period of years, possibly six years would be a convenient period and sentence as suggested by the Honorable Member."

The Hon'ble Mr. M. B. DANABHOY :—" I have not suggested that I have said this in the case in England."

The Hon'ble Sir WILLIAM VINCENT :—" The Honorable Member is correct. Three years would however be double the ordinary term of tenure of office in this country or in the provincial councils. The question whether where widespread corruption prevails a whole electorate should be disqualified is also one that will require consideration."

"As to the authority to direct inquiry into election petitions generally we consider that the Governor-General or Council or the Local Government, in the case of provincial elections, might be the proper authority and we think, at present advised, that in order to give legislative authority for such inquiries as antecedents on the lines of the Ordinance passed last year is not with a particular provision might be necessary. It has also been suggested that the Council direct to inquire into a petition should be a District Judge qualified for appointment in the High Court and that he should be empowered to direct that the costs should be paid by either party to the petition. We also think that provision be made requiring security for the costs of the inquiry from the person who makes an application questioning the validity of the election. It is hoped that this will cause petitioners to consider their allegations with greater care than has always been the case in the past and might tend to discourage groundless and frivolous applications. The Government furthermore were desirous of opinion that the question of enabling legislation on the lines of the English law, to make corrupt practices by a person at a council election punishable by the criminal law might be considered and that if such a change is introduced a power conferred on such an officer should also be disqualified from voting. The substance of these principles to municipal, district and local board elections is a matter that would require changes in the local laws governing such elections, but seems a reasonable corollary to these proposals. Similarly the question whether corrupt practices at such elections should also be made criminal offences will have to be considered. As a matter of fact the Bombay Government have in their local Act taken action to prevent corrupt practices at Municipal elections already. What I have said shows that we are in full sympathy with the objects underlying the Resolution. I am quite sure that the Honorable Member will realize that his suggestions will also carefully be considered. I trust that in those circumstances he will not find it necessary to press the matter further at the present juncture."

The Hon'ble Mr. M. B. DANABHOY :—" My Lord, in view of the statement now made by the Honorable the Home Member I do not think it is all necessary to press this Resolution. I am very pleased to hear and I am sure that my colleagues will be very pleased to know that the Government are in earnest in posing this question on a proper footing; the sooner it is done the better."

His Excellency the Governor.—“Probably the Honorable Member intends to withdraw his resolution. He cannot now make a speech.”

The Hon'ble Mr. M. B. RAJAGOPAL.—“I beg to withdraw the resolution.”

The resolution was by leave withdrawn.

RESOLUTION RE COMMISSIONED RANKS IN THE INDIAN ARMY.

The Hon'ble Khar Bahadur Sahai Mahaswamy Shastri to move the following resolution:—

“The Council recommends to the Governor-General in Council that the Commissioned ranks in the Indian Army be thrown open to Indians and the persons selected for appointment to such ranks be given the same training as is received by British Officers of the Indian Army.”

“My Lord, exactly two months ago, on the 19th of July last, I sent to our popular Secretary notice of the resolution that stands in my name. On the 25th of August last His Majesty's Secretary of State for India made a declaration in the House of Commons in which it was announced that His Majesty's Government had decided to reconsider the step which has hitherto precluded the admission of Indians to Commissioned ranks in His Majesty's Indian Army. The entire Indian population, and the martial races in India in particular, are deeply gratified to His Majesty's Government for removing this humiliating bar. I am perfectly confident that the Government of India will bear in mind the fact that differentiation between the several conditions relating to the training and status of the Indian commissioned officers and the British commissioned officers would not only rob this act of justice of its grace but would constitute a fresh cause of dissatisfaction. With these few words I gave permission to withdraw the resolution.”

The resolution was by leave withdrawn.

RESOLUTION RE INTERNMENT ORDERS AGAINST Mrs. BESANT, ETC.

The Hon'ble Pandit Mahan Mohan Malaviya.—“My Lord, the resolution that stands against my name runs as follows:—

“The Council recommends to the Governor-General in Council that he should be pleased to direct the Government of Madras to cancel the orders of internment passed under the Defence of India Act against Mrs. Annie Besant, Mr. G. S. Arundale and Mr. R. P. Watts.”

“The object of the resolution has been gained; we know, my Lord, to our great relief and satisfaction, that the Government of India have advised the Government of Madras to release Mrs. Besant and Messrs. Arundale and Watts.”

“The public here least with grateful satisfaction that these three persons have been released. It is happily no longer necessary to make the recommendation contained in the resolution, and I therefore beg leave to withdraw it.”

The resolution was by leave withdrawn.

The Hon'ble Khar Bahadur R. N. Sahasra to move the following resolution:—

“The Council recommends to the Governor-General in Council that steps be taken for the reversal of the order of the Madras Government internment Mrs. Annie Besant, Mr. Arundale and Mr. Watts under the Defence of India Act, and the removal of the restrictions imposed upon their liberty.”

“My Lord, I am grateful to the Government for their recommendation in this particular regard and beg to withdraw the resolution that stands in my name.”

The resolution was by leave withdrawn.

The Council adjourned to Thursday, the 29th September 1917.

SIMLA,
The 22nd September 1917.

A. F. MUDDIMAN,
Secy. to the Govt. of India, Legislative Dept.

APPENDIX B.

(Related to paragraph 26.)

STATEMENT I.

Statement showing the annual expenditure incurred in the establishment of Scientific Department for the years noted.

	Year	Expenditure Rs.
1914-1915	80,329
1915-1916	1,00,843
1916-1917	1,02,250*

* Excludes estimate figures.

STATEMENT II.

Statement showing the present establishment of the Department of Science and their pay.

	Pay. Rs.		Pay. Rs.
1 Director of Science ..	1,390-50-1,735.	2 clerks	50 each.
1 Superintendent ..	400-0-0	11	45 ..
1 Deputy Superintendent.	390-0-0 and personal allowances 50-100.	10	40 .. 1 special allowance of Rs. 10.
1	300-0-0	10	35 each.
1 clerk	375.	10	30 ..
1	340	13 accountants	3 on Rs. 12 each.
2 clerks	120 each.	1 on Rs. 10.	
4	125	2 on Rs. 9 each.	
4	100 ..	11 on Rs. 8 ..	
4	75 ..	1 on Rs. 7 ..	
5	55 ..	Extra establishment ..	2,400
		Carriage establishment ..	400.

APPENDIX C.

(Related to paragraph No. 10.)

Government of India (Finance Department), No. 15 (Science), dated D.O., the 1st January 1918.

From—His Excellency the Right Honourable the Governor-General of India in Council and others.

To—His Majesty's Secretary of State for India.

We have the honour to refer to the correspondence ending with your Lordship's telegram dated the 15th November 1918 concerning the organization of our Department of Education.

8 In giving provisional sanction in your despatch No. 13, dated the 27th January 1917, to the proposals which we made as to the transfer of work to the new department and as to the superior personnel, you approved the wish that a further report should be submitted at the close of two or three years in the light of the experience gained of the work to be done out of the reorganization of the establishment proposed to dispose of it.

9 We have now gained sufficient experience to address your Lordship with our view to the permanent reorganization of the department. We are satisfied that the department has justified its existence; and that the reformed situation which it has been possible to give it in a library, zoology, anthropology, etc., has already had beneficial results. These results have been obtained without any increase in cost; and indeed, we may claim to have fulfilled the policy indicated in paragraph 8 of your Lordship's despatch which is, moreover, the accepted policy of the Government of India. In proposing an organization different from that with which the department commenced we in no way wish to question the efficiency of arrangements hitherto. For from 1900 we have, however, reached a stage of development for which a somewhat different machinery is required.

4 The first objective of the new department was to formulate a general statement of policy, more particularly in the matter of education. In order to attain this objective conferences of a representative character were obviously necessary in a preliminary manner. Lord Balfour's Government felt that at such a stage the educational expert advice of the Government

of India ought to be in the Secretariat, in constant and close touch with the Government of India. The relatively simple issues in the case of sanitation were met by a redistribution of work between the Secretary to the Government of India for sanitation, the Director-General of Health, and the Director-General of India for sanitation. Three large and representative conferences were held on sanitation at Allahabad and Simla, and three smaller conferences were held on sanitation at Bombay, Madras and Lucknow. These conferences were fruitful and inspiring and enabled us to formulate a general policy of sanitation and sanitation, in our Educational Committee No. 561-B.D., dated the 21st February 1913, and our Sanitary resolutions No. 888-408, dated the 22nd May 1913. Meanwhile large Imperial grants have been given, and aggregating Rs. 453.2 lakhs for sanitation and Rs. 124 lakhs for sanitation, and Rs. 400 lakhs for sanitation and Rs. 10.2 lakhs for sanitation for sanitation. In addition, grants amounting to Rs. 200 lakhs a year have been made to district boards in certain provinces, which will facilitate the advance of local self-government and rural sanitation. Moreover, we hope to give further grants when the state of our finances permits. The position has, therefore, now completely changed. Policy has been formulated. Grants have been given. Sanitation is being carried out. In preparing these schemes more than one head Government has asked for the advice of our colleagues, Mr. Herbert, India, and Mr. Sharp, and from every point of view it seems to us that the time has now come when it is desirable for our Department of Education to be in more constant touch than at present it is with the administration of local Governments without, in any way interfering with their direction or interpreting the steady process of decentralisation.

3. In the despatch already quoted your Lordship expressed considerable doubt as to the wisdom of the change involved in the abolition of the appointment of Director-General of Education. You were particularly impressed with the fact that the extensive territorial of the Director-General of Education fulfilled a most useful purpose in increasing the appreciation of provincial difficulties and difficulties by the Government, in affording information and in advising local officers by suggestions based on a wider range of experience than their themselves could command. While for reasons already given we considered it desirable to frame our proposals temporarily on different lines, we fully recognise the force of your Lordship's criticism at the present stage. Indeed, we now consider that the time has come to appoint a hearing expert educational officer with functions somewhat similar to those exercised by Mr. George. We feel the need of such an officer, especially in connection with the most profitable utilisation of the Imperial grants still unspent and those which we hope to give in future. We would, however, prefer that he should be called "Educational Commissioner with the Government of India" instead of "Director-General". The latter title is indeed misleading, as it suggests direction where advice and assistance will alone be given. The designation which we propose corresponds with that of Sanitary Commissioner with the Government of India.

6. Our first proposal, therefore, is that the present post of Joint Secretary in the department should be abolished and that a post of Educational Commissioner with the Government of India should be created on a salary of Rs. 2,500 rising by annual increments of Rs. 100 to Rs. 3,500. We propose to appoint the Hon'ble Mr. H. Sharp, C.S., to be Educational Commissioner and to give him, as a special case in view of his services and the loss of his position as a Secretary to the Government of India, an initial salary of Rs. 2,750 rising by Rs. 50, 50, 100 to Rs. 3,000 without exchange compensation allowance. It is an essential part of our scheme that the Educational Commissioner should have free access to the Member in charge of his department and that when at headquarters he should have time fixed for regular interviews with the Member. His office would, however, go to the Member through the Secretary. The Secretary will then be in the position of Secretaries of the India Civil Service in other departments, with a considerable accession to his work. Our second proposal is that the salary of the Secretary should be Rs. 4,000 a month, as in the case of the Secretaries of the Home, Foreign, Political, Finance, Revenue and Commerce and Industry Departments.

No. 53, India Office, London, the 13th March 1915.

Yours—His Majesty's Secretary of State for India.

To—His Excellency the Right Honourable the Governor-General of India in Council.

I have considered in Council the letter of Your Excellency's Government in Finance Department No. 16 (Sanitation), dated the 1st January last, in which you propose a revised scheme for the permanent organisation of your Department of Education. The most important modification proposed is the appointment of an Educational Commissioner with the Government of India, in the place of the present Joint Secretary. I approve this step, and I also approve your recommendation as to the title of the new appointment with the object of defining its duties as connected with the giving of advice and assistance to local Governments and not with direction. The Commissioner should in effect discharge the functions with the Decentralisation Commission described as appropriate for an Imperial Inspector-General.

The Council met at the Council Chamber, Victoria Lodge, Seals, on Thursday, the 16th September 1917.

PRESENT:

The Hon'ble Mr. G. R. Lowman, Vice-President, presiding, and 58 Members, of whom 55 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. M. B. Dabrowski asked:—

2. " (a) Will Government be pleased to lay on the table a statement showing the composition of (1) the Gold Standard Reserve, and (2) the Paper Currency Reserve, as also the investments out of each of these funds? "

" (b) With regard to investments in England out of the Gold Standard Reserve and the Paper Currency Reserve will a further statement be laid on the table giving the details of the securities, the cost price and the present market value of such securities, and the rate of return of interest payable (weekly)? "

The Hon'ble Sir WILLIAM MEYER replied:—

' Statements ' giving the information asked for are laid on the table.

As regards the Paper Currency Reserve, I may explain that under the provisions of the Paper Currency Act, 11 of 1910, securities held in it are shown at their purchase price and this is the valuation shown in the statement. It will be seen from the statement that in the case of the reserve, the bulk of the present sterling investment consists of treasury bills. These have been purchased at varying rates of discount, and it is not therefore possible to give details with regard to their rate of interest or their present market price. But their value will in the ordinary course rise steadily until the bills are discounted at par at maturity. So far as this reserve is concerned, therefore, the distinction between market value and purchase price is of importance only in the case of the current holding. At the rate of 16½ per cent at which securities were quoted on the 31st August 1917, their present market value would be about 238 lakhs against the purchase price of 202 lakhs shown in the statement. As I explained in paragraph (2 and 5) of my speech introducing the last Financial Statement we have taken steps to deal with this depreciation by the constitution of a special depreciation fund out of the abnormal receipts which we are now obtaining from the Paper Currency investments. We have set aside for the purpose £600,000 during the last and current years and intend as opportunity offers to add a sufficient amount to cover the entire depreciation in the value of the securities and to replace these gradually by treasury bills. Thus, during the current year the Secretary of State has sold securities originally purchased at about £336,000, replacing them by British Treasury Bills.

In the case of the Gold Standard Reserve, the securities are valued half-yearly on the 31st March and the 30th September. Securities purchased between such valuations are provisionally shown in the accounts at their cost price. Accordingly in the statement which I have laid on the table, the market value is shown in the case of securities purchased up to the 31st March when the last valuation was made, the cost price only being shown for securities subsequently purchased which have not yet come under revaluation. As, however, the former would for the most part of treasury bills which were bought at a discount, their present market value would, for the reasons already stated above, probably be in excess of their purchase price."

The Hon'ble Member Sir MANJUNATH CHANDRA NARAYAN asked:—

3. " (a) What are the principal malarial reservoirs so far discovered by science against malaria, and how many of them have been found in India, and in what Provinces and with what result? "

" (b) Will Government be pleased to give a short account of the measures taken against the malarious obtained in coping with this disease in Italy, Alexandria, Formosa Island and in the Panama Canal? "

The Hon'ble Sir C. SANKARAN NARAYAN replied:—

" (a) The question is of so wide a scope that a detailed answer is impossible. The Honorable Member is referred to a book called 'The Prevention of Malaria' by Sir Ronald Ross, the modern text-books on tropical medicine, and as regards India to the Imperial and provincial sanitary reports, the special reports on malaria which have been produced in India from time to time, the proceedings of Sanitary and Malaria Conferences, the Scientific Memoirs by officers of the Medical and Sanitary Departments of the Government of India, and the Indian Journal of Medical Research. Copies of these publications will be furnished to the Honorable Member for perusal if desired.

"(6) It is understood that the measures taken in the places specified in the Honourable Member's question do not essentially differ from those which have been employed in India and many of them have lacked both the outcome of research work and discovery in this country. The Honourable Member is referred to an instructive pamphlet entitled 'A plea and a plea for the eradication of Malaria throughout the Western Hemisphere', being an address read before the Southern Medical Association of the United States of America, which will give him a certain amount of the information required and which incidentally shows to how large an extent anti-malarial operations elsewhere are based upon investigations carried out in India."

The Hon'ble the Vice-President :—"I ask the Honourable Member to put questions 4, 5, 6 and 7 together."

The Hon'ble Rao Bahadur B. N. SANKAR asked :—

5. "(a) Will Government be pleased to state whether replies have been received from all or any of the Local Governments regarding Sir Herbert Robert's memorandum referred to in the Hon'ble Sir George Barnes' speech in this Council on the 8th February 1917 on my resolution on cancer reform?

(b) Will Government be pleased to publish for public criticism such replies as they have received before they review the subject as a whole?"

The Hon'ble Sir GEORGE BARNES replied :—

"Replies have been received from all the Local Governments regarding Sir Herbert Robert's memorandum, and they shall be published at once as the Honourable Member suggests."

The replies from Local Governments have been sent to the Secretary of State who has asked by telegram for the views of the Government of India on Sir Herbert Robert's memorandum. These views have been sent to him, but the Government of India are constantly watching this important question and are always prepared to review the subject again in the light of public criticism."

The Hon'ble Rao Bahadur B. N. SANKAR :—Will the Government of India be pleased to publish their recommendations?

The Hon'ble Sir GEORGE BARNES :—We cannot do that.

The Hon'ble Sir FREDERICK GOSWAMY asked :—

6. "(a) With reference to the statement in this Council on 25th September 1916, that the report and conclusions of the Royal Commission on Venereal Diseases have been commended to the consideration of Local Governments, have the opinions of Local Governments been received, and are the Government of India now in a position to indicate the line of action they propose to follow for the purpose of checking the growth of venereal diseases?

(b) Will the opinions referred to be laid on the table?"

The Hon'ble Sir C. SIVARAMAIAH NAIDU replied :—

"(a) & (b) The Government of India commended the report and conclusions of the Royal Commission on Venereal Diseases to the consideration of Local Governments and for such action as they might deem necessary. No opinions were asked for and none have been received. Further action is not contemplated. Impulses initiated by the Government of India show that facilities exist in most of the provincial medical colleges and schools for special instruction as regards modern methods of diagnosis and treatment of venereal diseases. Where such facilities do not exist special arrangements are being made to introduce systematically teaching on the subject."

RESOLUTION AS PROPORTION OF BRITISH OFFICERS IN THE INDIAN CIVIL SERVICE AND POLICE DEPARTMENT.

The Hon'ble Rao Bahadur B. N. SANKAR to move the following Resolution :—

"This Council recommends to the Government-General in Council that the Government do not accept the recommendations of the majority of the Public Service Commissions that the nature of British responsibility for the good government of India requires the employment in the higher ranks of the Indian Civil Service and the Police Departments of a preponderating proportion of British officers."

"Sir, it is with a full sense of responsibility and the immense difficulty of my task that I rise to move the resolution standing in my name, asking this Council to recommend to the Government-General in Council that the Government do not accept the recommendations of the majority of the Public Service Commissions that the nature of British responsibility for the good government of India requires the employment in the higher ranks of the Indian Civil Service and the Police Departments of a preponderating proportion of British officers. I have, indeed, Sir, to undertake this task at the risk of being misunderstood, at the risk of the absurd and false impression to which I belong being strengthened, for the reason that I have felt and still feel that as a loyal citizen of the Empire, as a true son of India, it is my bounden duty

to bring to the notice of the Council and the Government the immense danger and risk attendant on the adoption of the recommendation of the Public Service Commission that British responsibility should be shifted to the door of the higher ranks of public services in what are considered to be the security services against the Indian community. I feel that if the responsible Government of India accept this principle in practice they will be perpetuating a system which has prevailed, not in theory, but in reality in the past, a system following a policy of misrule, and we hope that the new angle of vision which the war has made possible is conducive to a change in the right direction. We are thankful to the Commission for the many recommendations which they have made in favour of the Indian community, but Hon'ble Members must have noticed the immense volume of indignation and dissatisfaction which centred itself throughout the length and breadth of the country as soon as the recommendations of the Commission and the report containing them were published. What is the true cause for this manifestation of feeling on the part of the whole Indian community? The true cause is, that the Indian community instinctively and intuitively perceived the danger ahead, perceived that the old policy is going to be continued under a new part and that that would be detrimental not only to their own interests but for interests of the Empire at large.

"I am not going to take into consideration today this vast economic considerations attached upon this, but I will deal with the question in its larger aspect and venture to quote the words which are abundant upon this policy. To use the memorable words of the late Mr. Gokhale when he spoke before the Welby Commission:—

"There is a moral evil which, if anything is ever greater. A kind of sweating and starving of the Indian race is going on under the present system. We must live all the days of our life in an atmosphere of inferiority, and the talent of an immense herd is under the exigencies of the existing system being repressed. The upward impulse, if I may use such an expression, which every school boy at Elton or Harrow may feel that he may one day be a Gokhale, a Nehru or a Wallingale, and which may draw forth the best efforts of which he is capable, that is denied to us. The full height to which our manhood is capable of rising can never be reached by us under the present system."

"I realize, Sir, that brevity, strength of language and appeal to sentiment would be useless and must be useless. I must convince the Council and the Government by appealing to cold reasoning and I hope to show that the British conception with India, that our consciousness as an Empire, would not be in the slightest degree jeopardized by a departure from the policy recommended by the Commission. And I have reason to hope that, notwithstanding the immense weight that is due to the high-placed gentlemen who have made these recommendations, we need not despair in our cause because new conditions, new modes of thought have begun to prevail and pervade the atmosphere, are likely to bear fruit and have already borne fruit. All the time evidence was given before the Commission, at the time when Government reported openly and in private, there was a talk of the ruler and the ruled; there was the policy of repression. India had not manifested her loyalty at that moment in a clear and unambiguous manner. But now, Sir, there is not the slightest doubt that sentiment both here and in Europe has realized that the continuance of the Empire can be based only upon the good will of the people; that His Majesty's Indian and European subjects are comrades in a common cause and equal citizens, in a common Empire, and I take it that these perceptions are stronger and have been vitrified with a full sense of responsibility when these statements were made. And the recent announcement of the policy of His Majesty's Government that India can hope for and look forward cheerfully to self-government within the Empire is a legitimate aim, shows the air and must make the Government of India necessarily take a new view-point in the right direction. It must be remembered at the outset that a departure from the policy recommended would not be attended with any very great retrogressive changes, for the simple reason that all ideas regarding that even of the airwaves, the movement of Indian under existing educational conditions would be but a slow process. And even assuming for argument's sake, that it is to be a rapid process, it will take not less than 12 to 15 years before the movement would start and it will take one or two years more before these recommendations are fully adopted—even here to the extent to some responsible positions like those of a Collector, and the highest offices can never be hoped for within a generation, 20 or 25 years. Consequently, any recommendation that may be adopted by the Government of India, in order to have fruit, will take more than 12 to 20 years, and every one of us reasonably hopes that with a policy of advancement of education things will have so really changed that the Empire will be based upon a more solid basis than that on which it at present rests. Consequently, I am not asking for a departure from this policy not for any wide change which will have an immediate effect, and the effects of which cannot be foreseen slowly and gradually.

"I can understand that the Commission were forced to adopt this attitude because the respectable heads of the Indian administration, have asked that, in view of the claims that are being made by educated Indians, the time had come when a definite limit must be placed upon their claims, that they must be told 'thus far and no further you can go,' and that the cardinal element of policy on which British suzerainty rests is the preponderance of the British elements in these services, viz., the Civil Service and the Police Service. I need hardly say that the Indian Civil Service is the nerve, the backbone and the brain and the whole fabric of Government in the Empire really rests upon the Indian Civil Service. The police is only the hand, the instrument. Consequently, in making this recommendation in the recruitment for the Indian Civil Service—withstanding that they will throw open the door here and there, the

Commissioners have distinctly told educated Indians that they can never hope for equality but they must rest content with the security they enjoy under the British Government and inferiority in the matter of appointments. But that state of things has passed away and I need not allude to it further.

"My first position is that the theory advocated, the policy advocated, is absolutely unconstitutional. The question was put to several witnesses, lawyers and eminent judges, by the Commissioners, and I cannot help thinking and feeling that a very clever attempt was made by counsel to get out of the plain words of the several Statutes governing the matter. The 1833 Statute has been quoted at length in this Council on a large number of occasions in this connection and I need not repeat the text of it once again for a very simple reason.

"No Native of India nor any natural born subject of His Majesty resident therein shall by reason only of his religion, place of birth, descent, colour or any of them, be disabled from holding any place, office or employment under the said Government."

"My reason only of his religion, &c. The word 'only' was utilized for the purpose of stating that the Statute would be perfectly satisfied, if one Indian be admitted the colour bar is avoided, the wording is satisfied, and it would not be unconstitutional if further laws be placed owing to some supposed policy.

"Sir, I venture to say that it is hardly a fair meaning to be attributed to the words of the Statute, and the Indian public would refuse to accept that position, especially in view of what follows in the depths of 1838.

"Whoever after tests of qualifications might be adopted, distinctions of race or religion should not be of the number."

"and this has been followed by Her Majesty's famous Proclamation of 1853 that no distinction would be made. But what is the root of the recommendation, what is the basis on which the recommendation rests?

"There would seem to be something mysterious in British character and British command, says which nation it is absolutely impossible for the Indian to arrive at that conclusion, and it is said that it would be disastrous to British rule if the door were thrown wide open. May I say, sir, that this is a most subtle way of re-stating in these oblique days the old Brahminical doctrine that unless you are born a Brahmin there is no salvation for you. I have ventured to make these remarks in view of what has been said by the Central Provinces Government. Here is what is stated (at page 304):—

"The system is based upon the theory that the new subjects should be endowed with certain qualities which are inherent in the British character and are brought out in the British system of training . . . and even if the latter is to a certain extent coupled with it, involves sending the Indian boy to a foreign country at an impressionable age when he is not in soundings."

"And then the other arguments are added. Therefore it comes to this: that inasmuch as an Indian cannot be born a Brahmin or even a British birth, and inasmuch as British schools and Universities are to a large extent closed to Indians and it would be impossible to ask Indians to send their children to a foreign country at the young age of 18 or 24, they must remain here, owing to the position that they can never hope to obtain those characteristics which are supposed to be absolutely necessary for the future Government of the Empire according to British ideas.

"Sir, such a position, if it is necessary for us to accept it, we might and we must accept; and that is what has been stated here, namely:—

"In return for the protection which they enjoy and the wealth they are amassing through the security of British rule they must understand . . . that this security must be maintained whatever the cost, and in return is made the sacrifice of some of their ambition to fill high posts . . . which are bound up with the maintenance of this security."

"Sir, if I felt that it was only a question of the interests of a few people who wish to draw huge salaries from the exchequer by filling the highest appointments in the Public Service; if it were merely a question of that, I for one would not have ventured to waste the time of this Council. But, as the Hon'ble Mr. Gubbins put it, it is not merely a question of the ambitions of a few educated Indians being satisfied. The question is whether the Indian nation say 'We are equal to any other on the earth.' That is the question which is involved in this matter."

"As to the theory that British Government is inconsistent with perfect equality of Indians, I need not say much at present, except to repeat that I feel that the British Government is absolutely dependent upon a recognition of the perfect equality of Indians and all the present wrongs, all the present disabilities, are due to the disabilities which are being imposed. That has to be done slowly but not to be recognized by British authorities. Therefore, sir, I think that the old doctrine made is unconstitutional and illegal for any policy other than the one I have just described being adopted. I may also say that the reference made to the Commissioners is absolutely inconsistent with the theory which has been propounded. The reference was 'to consider such limitations as still exist.'—I have particular emphasis on the word 'still'—'in the employment of non-Europeans, and the working of the existing system of division of services into Imperial and Provincial."

"Well, and the answer to it is given, then: 'There are vast limitations which still await and cannot be reached.' I think, sir, His Majesty's Government were contemplated that in answer of that description would be given when they wanted to reason, as far as possible, the limitations—the very large limitations—placed in the way of Indians obtaining their full share.

"All this, sir, is not mere idle chattering. What are the effects, what are the fruits of the adoption of this policy by the Public Service Commission? If the rules of the year 1879 had been followed, we should have been at the present moment in possession of about 335 posts, the total being 1,511. But according to the Commission's recommendations we are in possession of about 124. The Commission says that 10 years hence there will be 180 posts, which is about 50 less than the number we should have had if the recommendations made 30 years ago had been accepted and acted upon. These gentlemen hope that at the end of 12 years we shall have about one-seventh of the colonies that is, fewer six were in each Province. And at the end of 30 years, a generation hence, we may not be occupying any of the highest posts, because there are only three or four of them in all, 3 or 4 Resident Commissionships, 4 or 5 Commissionships in each province; and therefore taking the proportions we shall hold, even, one place may not fall to an Indian. Consequently what the Commission ask us, when they ask us to adopt this policy, is to accept a state of things very analogous to what obtains at present; and in doing so they react to a sadism which have caused bitter resentment—I should have said a stronger expression but for the respect due to the Commission. They have removed themselves from the subject for ever. They have refused the age limit and they have adopted a system of which, whatever they may say, will not be considered an equal test with that which is provided for English students. There are some of the coarsest methods of the adoption of the policy which has been recommended for us by the Commission. Further, sir, as to the grounds on which apparently their recommendations are based, that British rule is dependent upon the British Army and a preponderance of the British element in the higher services, I admit that the British Army does protect us and we are thankful for that; but once the political consciousness of the country is aroused, a hundred thousand soldiers and a few highly placed officials will not be able to save the country from serious trouble, and of this I am perfectly certain the larger mind of statesmen both in India and in England is well aware. Statesmen have recognised more than once, as I have already stated, that British rule rests upon the consent of the people and upon their loyalty. If there should be any real indignity the maintenance of that rule will be made difficult. But as a matter of fact we recognise that our true interests lie in the British connection, in the perfect recognition of one equality. Unless the present bar is removed, however, we cannot have the large Army which is necessary for the maintenance of peace in this country, and we cannot have a military service. How can the Government of India ever hope that there would be satisfaction when 2,572 Provincial Civil servants occupying positions equal to Assistant Collectors can look forward to only 84 of the higher appointments, while 481 Assistant Collectors can look forward to 64 superior posts, or 292? Can we ever hope for sustained loyalty in the services once political feeling is roused? 228 Deputy Superintendents of Police can only look forward to 14 posts in the superior service, or 19 as against 343 equally placed men being able to secure 318 or 111.9. Sir, I think it would be a most impracticable to expect continued satisfaction or contentment under these conditions, and therefore it is that I implore the Council to disavow the adoption of this policy, because the departure from it is not likely to be followed by any violent changes. The viewpoint has been correctly put by Mr. Abdurrahman. It is that we are ignorant of the country as large a British element as is necessary for the purposes of the Government of the country. That is correct. But we must also take into consideration, especially after the war, the fact that it would be difficult to secure the best talent of England not here, and it would be wrong to return to an inferior article when it would be possible to substitute it by a better article in India. That is also a viewpoint which I may pass upon the attention of Government.

"I may also add, Sir, in this connection to a widely felt feeling that the number of British officers in India, having regard to the area and the population of India, is very very small, and that it cannot be made smaller with safety to the Empire. I recognise that it is only relatively small; but a number much smaller would be able to hold the land with perfect security in earlier days. The services some of the provinces are actually large. Compare, for example, only 124 in Bihar and Orissa with the large services in the Punjab and the United Provinces. Furthermore, say I put it to you, sir, that the number of Englishmen in India, we hope, will be larger and larger according to the development of the country. With the larger progress of civilisation and increased national resources and wealth, we hope to be able to use in India a much larger number of Englishmen, sub-official as well as official. Just as the Indian officers find larger employment in India owing to Mr. Lloyd George's reforms, so will the British medical element be strengthened when the developed resources and needs demand an improvement. Similarly the officers in the forest, engineering and other departments will have to be recruited largely according to the improvement of the resources and demand. I do not, therefore, far as I am concerned, believe that it will be necessary to reduce the British element; so time goes as we must have to look forward to maintaining from England even in a larger degree than in the past, but on perfectly equal conditions and according to the conditions of the times and not by an artificial limitation under pretensions of giving, increasing and decreasing.

"Again, sir, if self-government is really to be our goal, let us look at the problem boldly from a new point of view. If in any department the legislature is to be supreme, would not that be tantamount to absolute confidence in the people, and if you have confidence in the people where

Is the danger in giving assistance to the best Indian (settled) and the best Indian (nomad)? Primary education you like. If you want a magnificent test of every other hard physical test, you fit. Nobody grudges it. I am glad that His Honour the Lieutenant-Governor of the Punjab the other day recognized the true British value and the British common-sense and justness and equity in our Foreign friends. By all means give the bulk of the executive appointments to men from that province. We do not grudge it; we are all Indians. There are the Khatrias and other classes who have specialized for that purpose. But do not let goodness take any that among three hundred taluk people you cannot find men to manage the revenue in the same way as you can manage with a British service. That is a proposition which will not bear scrutiny at all, and will lose a practical analysis. That has been recognized by our eminent statesmen from the Punjab. The moment the educated classes have a following amongst the people, then our viewpoint must change. I think that state of things has come into being and I therefore venture to ask the Council with all humility to remove those restrictions. Even if such large changes are not going to take place, even then I would ask that the number of Indians should be increased and that this bar should be removed, because the argument of policy would run mainly with the Civil Service and it would be dangerous to deny a share in the formulation of such policy.

"Sir, this cruel and devastating war in which the Empire is engaged for its very existence and for the well-being of the High and lofty ideals of freedom and for the development of the liberties of mankind leading to the subjection of the people of the earth on a truly democratic basis, has opened the eyes of all. It must have revealed to far-seeing statesmen both here and in England how greatly India's loyalty has been misjudged in the past, how a more broad-minded policy, a little more trust and confidence might have developed the moral and material resources of India to a larger degree rendering the present intricate war impossible and if not impossible would have made victory much easier. It has all now revealed to us the painfully weak and humiliating position in which we stand, and how a national policy similar to that which has been followed elsewhere, especially in Japan, with certainty not mean-gifted people would have been far more beneficial. We take it, Sir, that our loyalty, is now no longer really open to doubt and that it has been recognized that the solid base of Empire does not rest upon the strength of the British Army, or upon the preponderating element of the British in what are called the security services, but upon the recognition of the people and the recognition of perfect equality based on merit and efficiency of all the peoples inhabiting His Majesty's dominions."

The Hon'ble Mr. HENRY BRAY:—"Sir, I wish to oppose this resolution more or less on general grounds, grounds on which I shall probably wish to oppose most of the following resolutions on this paper. I do not think it would be fair to select such a number of questions (I say there are 15 resolutions) on this Council and I think it may be more convenient if I am allowed to make a general statement covering all the grounds on which I am opposed to this and most of the succeeding resolutions.

"I had hoped after what His Excellency said a fortnight ago that it would not be necessary for me to get up and say anything on a subject which I am afraid can hardly be otherwise than controversial, more or less. I had hoped that no one would bring forward a resolution of conditions such as we have done on the opposite today. But as it has been done, it is impossible for me to sit silent, though bearing in mind what His Excellency said on the subject of calm and dispassionate discussion, I will endeavour to make my remarks as brief and as unpersonal as possible.

"The community I have the honour to represent is a very patient, a very long-suffering one, of a loyalty unquestionable and without limit, but there is a limit to its patience and that limit has very lately been reached.

"For the last three years it has been our endeavour not, on behalf of Government in any way by attending our own affairs, to avoid anything that might distract Government's attention from the heavy task before it and to assist in all ways possible in the prosecution of the war.

"It has naturally been something more than a matter of regret to us that others have not followed the same course, but have not only clamoured incessantly for special attention and consideration, but even gone out of their way apparently sometimes in deliberately harassing Government at a time when there is only one thing that matters and that is the successful prosecution of the war.

"Then, Sir, we see some bodies apparently meeting with success, when we see indications that our interests may be relegated to the background, that Government in the midst of its tremendous activities is going to find time to deal with questions which we consider should be relegated to the time when the war will be a thing of the past, it becomes impossible for me to sit quietly by and see ourselves and the interests we represent apparently about to be disregarded, as if we did not exist.

"With the suggestions of Indians to attain to a greater measure of self Government we are by no means out of sympathy, whether we are altogether in sympathy with the methods by means of which they hope to attain thereto is perhaps another question, and it is difficult to see how we can call all reference to the Mr. Bennett irrelevant.

The Hon'ble Mr. WILLIAM VIVIAN:—"May I rise to a point of order? I submit that the refusal of Mr. Bennett has nothing whatever to do with the Resolution which relates to the commitment for two services."

The Hon'ble Sir HUGH BRAY:—"The cry, the up-to-date demand is government of the people, for the people, by the people. Very well, Sir, we are of the people, nominally we are perhaps weak but our stake in the country is enormous."

"We and our predecessors have given ourselves and our energy to this land and without boasting I say again that we are directly responsible in no small degree for its development and increasing prosperity."

"Our money and our lives have been given to this land on the understanding that law and order will be maintained and that we shall conduct our enterprises under secure and just conditions."

"I am not claiming that we are philanthropists, that we came here only for India's good. Doubtless we have found it profitable more or less and earned a livelihood but the results are the thing to look at and there can be no ignoring these, the results are the railways, steamers and the tremendous advances in industrial development generally, but evidence is not wanting of things accomplished as well for the country's good as for those motives of philanthropy."

"We demand then a continuance of these guarantees, a continuance that secure either a relaxation of such a measure of control by the British Government as will safeguard those interests or such representation of those interests in very new form of Government as will ensure their protection."

"I have been somewhat puzzled from time to time by demands made that India shall be given Self Government in Colonial form. I look at Canada, I had a country governed by the majority while free."

The Hon'ble Sir WILLIAM VANCEY:—"Sir, I agree due to a point of order. I submit that this does not concern the Resolution before us."

The Hon'ble the Vice-PROVOST:—"The Council will on doubt wish to hear the views of the Hon'ble Sir HUGH BRAY, representing as he does an important commercial community in India, which undoubtedly is a very large one and has a large stake in the country. But I am sure the Honourable Member will desire to keep within the scope of the Resolution before the Council, which, as the Honourable the Hon'ble Member has pointed out, relates to two particular services only."

"The reference which has been pulled out of order was only an illustration of the fact that we are outside an other country. Conditions are altogether different here and we must develop on lines of our own as ready-made constitution will fit us."

"My community has no constitution to propose. I do not think it is for us to propose one, it is not we who want a change in the method of Government particularly just now, but if those who do want it are to have their demands considered and, whilst so partly needed to, they are desirous to be told what changes are under consideration, that we be given full opportunity to consider how those changes will affect us and full opportunity to make such representations as appear necessary before such changes get beyond the stage of consideration, and that we be given satisfactory assurance that the interests we represent will be safeguarded."

"Our Indian friends maintain that they are now fit to assume very much greater responsibilities than they have had up to now, and as far as we know they may be, but with some exceptions they have not given proof of it. Their natural reply is, how can we prove it without trying? Our cricket team to win on dry land. We reply that is as bad as the rest of the experiment if it fails will fall largely on us we must have some guarantee. I can only see two forms of guarantees that would be considered satisfactory, either that a sufficient measure of control be retained by the British Government, or that the very large and important interests of the commercial community and those who have created money in this country be given adequate representation in the body or bodies that will have the power."

"Sir, this is a subject on which there is very much to be said and I cannot attempt in these few minutes to do more than scratch the surface of it."

"In conclusion I would express regret that our Indian friends should apparently make it too general that we are opposed to their aims entirely. I must answer such to be the case because they make no reference to us, it does not occur to them to ask our aid, they ignore us entirely in their proposals. I can assure them that they are making a great mistake."

"We realize that changes are coming, that changes must come and if we should avoid desires of thinking at all the progress of events it is not because we wish to prevent them but because we foresee the complications, the disasters even, that may arise from their premature birth. We are ready and anxious to go forward hand in hand with our Indian fellow subjects for the advancement of this great country. We will pull together either in double harness or in tandem as leader or wheeler the wagen of India, but what we will not do, Sir, is to follow behind to the tail board, with no control over the pace, no power to check a too quick descent left to pick up what food we can by the wayside when halted and called upon only to give an extra pull now and then to get the wagen out of the mire or up an extra steep ascent. That is a position we will not accept."

"Therefore I oppose those resolutions on these general grounds and on the ground that they are premature and that we have not been given the opportunity of considering how they will affect us."

The Hon'ble PRUD' MANOH MONAR MALAVIA:—"Sir, I must confess I have been greatly disappointed and pained to hear the speech of my friend the Hon'ble Sir HUGH BRAY. I think, Sir, that feeling will be shared not only by many of my Indian friends in the Council but outside it also. We had hoped that, after the speech of His Excellency the Viceroy and the announcement of policy made by His Majesty's Government, which we have all heard, our

fellow subjects whom my honorable friend represents, would take a calmer, a more sympathetic and if I may say so, a more reasonable view of the situation than he has taken today. The resolution that has been brought forward by my honorable friend Mr. Sarna refers to a specific recommendation of the Royal Commission on the public service, viz., that there should be a preponderance of British Officers in the Indian Civil Service and in the Police Service. My friend certainly knows that this is a most commendable, embodying a new principle which was never put forward until the report of the Commission was written. He knows that till then no such vote as he has granted before this Council stood his country or any other country of His Majesty's subjects. He knows that the recommendation has not yet been accepted by the Government. The Government of India have given us an opportunity to discuss the matter. I understand, I speak subject to correction, that my honorable friend Mr. Sarna suggested that the discussion of this and other resolutions relating to the recommendations of the Public Service Commission might stand over till the Delhi session.

The Hon'ble Sir WILLIAM VERNON:—"Not to me, at any rate."

The Hon'ble PANDIT MAHAR MOHAN MALAVIA:—"I should like to know whether it was not mentioned to you, Sir. I understood it was at that time."

The Hon'ble the Vice-President:—"No such suggestion was made to me."

The Hon'ble Sir WILLIAM VERNON:—"If any suggestion was made to the Vice-President on this point, I submit it should have been made to the Honorable Member too."

The Hon'ble Mr. M. A. JINNAH:—"I should like to rise to a point of order. Is the Hon'ble Pandit in order in referring to a private conversation which took place outside this Council?"

The Hon'ble the Vice-President:—"I am sure the Hon'ble Pandit will not wish to refer to any private conversation that took place outside this Council and must ask that he will not introduce the subject here."

The Hon'ble PANDIT MAHAR MOHAN MALAVIA:—"I bow to your ruling, Sir. But I hope you will allow me to remark that if we, members of Council have conversations with members of Government relating to matters which are coming before the Council we are entitled to refer to them in circumstances similar to those that have arisen to-day. I have not disclosed any official secret. I leave the matter there."

"Now, what I submit is, though I was mistaken in thinking that the matter had been definitely mentioned to the members of the Government, it is clear, Sir, that there was widespread desire on our side, which desire was expressed even this morning by some members, that we might postpone the discussion of these resolutions till February. If the Government had thought it fit that these resolutions should come on in February, I am sure we should have bowed to their decision. But I do not say any more on this subject as the Government have called for reports from Local Governments on the recommendations of the Public Service Commission, and if they desired to know the views of the non-official Indian Members of this Council on the questions which principally concern Indians, they have done what was right."

The Hon'ble Mr. M. A. JINNAH:—"I rise to a point of order, Sir. Is it right that we should take up these confidential matters after the publication of the report and the recommendations of the Public Service Commission?"

The Hon'ble the Vice-President:—"I think I should explain the position to the Council. Obviously, we do not take up resolutions in the House at once at all. But the Government of India understood that there was a desire on the part of the Indian Members that they should have an opportunity in this meeting of discussing the recommendations of the Public Service Commission. The Government of India acceded to their desire and my honorable friend has been an opportunity now to discuss the present case. It is perfectly open to Honorable Members either to avail themselves now of this opportunity or to postpone the discussion. I may say that the decision is entirely in the hands of the Honorable Members and the Government of India are prepared to adopt in this matter whatever course seems most convenient to Honorable Members."

The Hon'ble PANDIT MAHAR MOHAN MALAVIA:—"Sir, we have the resolution now before the Council, and until it is decided to withdraw it, I will proceed to make such observations as I have to make on it."

"I submit, Sir, that the resolution is one which we, Indian members, were bound to bring before the Council. We cannot allow a proposition, that there should be a preponderance of British Officers in the Indian Civil and Police services which, as my brother friend Mr. Sarna has pointed out, runs counter to the great and noble ideas of the Charter Act of 1853, to remain unchallenged where it stands in the report of the Public Service Commission. We feel that it is our duty to tell the Government that there should be no such vote laid down. And what is the counter-proposition which the mover of the resolution has laid before the Council? He does not ask that there should be a preponderance of Indians in the Indian Services, though we are perfectly entitled to ask for it, and though we hope we shall have to ask for it at some not very distant time. All that the resolution asks is that the Government shall not accept the recommendation of the majority of the Commission, that there should be a preponderance of British officers in the Indian Civil Service and in the Police Service. That is really a very simple and innocent proposition, and I am surprised that my friend Sir Hugh Grey should have allowed himself to be alarmed and to tell us seriously that

those whom he represents are clamored at such a proposition as this. There are certain things which ought to be achieved. Matters cannot stand, as they stood before the war. His Majesty's Government have made a declaration that responsible Government is the aim of British policy in India. It may be attained in ten years, it may be attained in twenty years, it may be attained in thirty years, or in fifty years; but there can be no going back upon that policy. We hope the aim will be attained much sooner than some of our European fellow subjects think. We do not quarrel with them. We will work to attain it as early as we can. It is our duty, it is our privilege, our national self-respect and our national interest demand that we should attain it as early as we can. But in doing so we have no wish to give any offence to our European fellow-subjects. I have hoped, and I still hope that we shall work together in sympathy, with mutual good will, with cordial good feeling and understanding. There is no desire on the part of any one among Indians to rupture the European interests which exist in this country. We recognize that this country has been under British rule for over 150 years. We do not want to ignore the existence of our British fellow-subjects, or to refuse to give them what is their due. We only wish that they would agree to give us what is our due, that they would recognize that we are entitled to their sympathy and support in seeking to take ourselves in our own country to the position which our English fellow-subjects occupy in their own.

"My friend has spoken, Sir, of the great feeling of alien which proposals for self-government have created in the mind of our European fellow-subjects, I am surprised, I am sorry, that Europeans who have been nurtured in traditions of liberty and freedom, of free institutions should, by coming into this country, entertain feelings different from what they entertain in their own country. Self-government has been recognized as the only form of government worth the name. That form of government is coming in India. We shall all have ample opportunity for discussing the proposals relating to that form of government, and I am glad to think that in that matter we shall have the benefit of the co-operation, and advice, and may I add of the sympathy of our European fellow-subjects both official and non-official. I do not think that we can forget that Railways, Steamers and Industrial concerns have been developed in this country. I am glad they have been."

The Hon'ble Mr. H. A. JEWELL:—"I would like to know, Sir, if we are discussing the Resolution which is on the agenda or a Resolution on self-government?"

The Hon'ble the Vice-Parliament:—"We have on the agenda paper to-day a series of Resolutions covering a wide range of suggested subjects. The Hon'ble Member will no doubt recognize that he will have the opportunity later on of dealing with them all."

The Hon'ble Member MAMUN MOHAMMAD MALAKKA:—"Thank you, Sir. I am taking up just the points which my friend Mr. Hugh Bray took up. I have not trespassing outside. I want to say that it is very important at this stage when we are entering upon a discussion as to what constitutional changes shall be introduced, I am anxious and I am sure my Indian friends are anxious that our European fellow subjects, both in this Council and outside, should not misunderstand us, should understand our attitude correctly and therefore co-operate with us. I was going to say that our Railway, Steamers or other interests run any danger of injury if the Civil Service and the Police Service are introduced to some extent, so they should be. I do not wish to take up more time by going into that question. I hope I may have an opportunity of discussing it later on with my friend both in private and it may be in public."

"I now come to the resolution before us. I submit that the Government having made a declaration that responsible self-government is the aim of British policy in India, the recommendations of the Public Services Commission are now absolute and ought to be brushed aside, and any proposals should be formulated, proposals which will seek to give effect to the policy announced by His Majesty's Secretary of State and by His Excellency the Viceroy in his memorable speech of the 5th October, that it is the desire, the earnest desire of the Government to admit Indians to a larger and larger share in the administration of the country. This, Sir, will be the test of the sincerity of the Government's intentions. I have no doubt, I have absolutely no doubt that the Government are desirous to their hearts to provide facilities for the larger admission of Indians into the high services of the country. But the manner in which they will give effect to this desire will be the touch-stone by which the sincerity and earnestness of the Government will be judged by the public. Therefore I submit that the recommendations contained in my friend's resolution ought to be accepted by the Government for consideration along with the other matters of reform, when they are taken up, as part of the general scheme."

The Hon'ble Dr. T. T. MANANATHAN SARRAN:—"Sir, I do not propose to travel beyond the terms of the resolution which has been moved by my honorable colleague the Hon'ble Mr. Sarma, though the temptation is very strong that I should convert some of the propositions which have been urged by the Hon'ble Mr. Hugh Bray. I only content myself by hoping and believing that whether it is any member of this Council or whether it is any outsider who wishes to fight against self-government, he is fighting against the inevitable."

"Now Sir, so far as Mr. Sarma's resolution is concerned, I think it is desirable that its scope and aim should be definitely understood. Mr. Sarma does not want in his resolution that there should be a preponderance in the Indian service of Indian officers, he wants only that there should not be a preponderance of European British officers in the service, and the resolution is confined to two services especially, the Indian Civil Service and the Police."

The Hon'ble Mr. Deodhar B. N. SARMA:—"Sir, may I explain?"

The Hon'ble the Vice-Parliament:—"Certainly."

The Hon'ble Sec. Secretary R. N. Sarnaik :—"My Resolution is that there should be no policy laid down extending that there should be a preponderance. Of course if the relative attorney of the British should secure a preponderance, I have not the slightest quarrel with it, all I say is that there should be no bar of policy in that direction."

The Hon'ble Mr. The Hon'ble Sec. Secretary :—"Sir, whatever question of policy may be raised in the year 1917, we cannot help remembering that so far back as the year 1858 the responsible Legislature of England expressed its mind definitely on this subject. In the Act of 1858 it was laid down that—

"No native of the said territories, nor any subject-born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, or colour or any of them, be disabled from holding any place, office or employment under the said Company."

"That being an unconditional statement of the position taken up by responsible Statesmen in 1858, I, with all respect to the majority of the Commissioners and I withhold respect to others who on grounds of policy and expediency hold a different view, feel to me how the present position can be represented to the position which was taken up in the year 1858. One, nobody can blame me for being impatient, although I am perfectly well aware that we have here commenced an impatient tirade. If a nation was great for the recognition of position made so far back as 50 years ago, I do not think that in fairness and justice it can be described to be very impatient. Sir, in forwarding the Statute of 1858 to the Government of India at that time, the Court of Directors took particular care to point out that they did not want any governing caste to grow up in India, but what has been our experience? In spite of the fact that you find a sprinkling of Indians in the Indian Civil Service and a few Indians promoted now to the rank of Superintendent of Police, you have the fact—and I think it cannot be controverted—that we have in India a governing caste. Perhaps it agrees with the temper of this country because we are a caste-ridden people, but even the Government know that there is a very strong feeling against caste, and if some of us are strongly opposed to caste as a social institution, we cannot easily be expected to sympathize with caste as a political institution. Sir, whatever may have been the feeling with regard to this matter before Mr. Munro's announcement was made in the House of Commons and before the Secretary made his utterance in this Council, I submit that there is no room for those feelings now. Every step that has got to be taken with regard to the services must, I submit, be taken with that ideal in view.

"Sir, in this connection it sometimes occurs to me that a contrast might usefully be made between the Government as it exists at present and the Government which it succeeded, I mean the Mughal Empire. In those days, so far as I have read Indian history, there was no such rule laid down by any body of administration that the governing caste shall be the Mohammedans. We well remember that in those days important offices such as those of Governors of Provinces and so forth were held by Hindus, and one cannot help remembering that even a petty Mohammedan country like Ratal was governed by a Hindu for many years. And even in the present generation what do we find? Amir Abdul Rahman was in his autobiography that in his own Empire there was often which cannot be held by a Hindu even to-day. Sir, if in medieval ages, or if two hundred years ago, or three hundred years ago, the rulers of those times could be so liberal and progressive, there is no reason why the rulers of the present time, having given definite pledges, should not be prepared now to redeem those pledges. Now, the dignity of the country, the strong reputation of our civilisation which to recruit themselves to a system of Government which assigns them is a position of subordination. The very system which proposes that there shall be a preponderance of men of a particular country or race or creed or religion, I submit a vicious system and it is likely to lead to great troubles in the future as political sentiment develops in this country. I therefore think, Sir, that the time has come when frankly it should be recognised that not only in theory but in actual practice, we ought to be done with ancestral subjects of His Majesty. The moment you introduce the question of preponderance, all that talk of our being equal subjects is mere sham, it is mere mockery and deception. I therefore submit, Sir, that so long as this preponderance of the Royal Commission stands unchallenged, so long the dignity of India will refuse to submit to any such position of subordination. On those grounds, Sir, I strongly support Mr. Sarnaik's Resolution."

The Hon'ble Mr. Munro :—"Sir, in speaking as the Resolution or indeed on any of the Resolutions on to-day's agenda paper, I find myself exceedingly handicapped by the very short notice which I received of the Resolutions. I received the agenda for to-day's proceedings on Tuesday evening, and that was the first intimation of any kind that I had that any Resolutions dealing with the report of the Public Service Commission were to be brought forward. To deal with such Resolutions at all properly would require a careful study of the Commission's report and of portions of the evidence, and I need express my regret that the Members were not given longer notice so as to enable those of them who had no private knowledge that these Resolutions had been sent in to look up the report on the many points raised. Even if it is not possible to send a final agenda paper until two or three days before such meeting it would be a great advantage if it could be arranged to give members notice of the Resolutions which have been sent in and admitted and which will probably be brought forward for discussion at least a week before they appear on the agenda.

"Referring to the Resolution which is now before the Council, I cannot associate myself with the attitude adopted by some Hon'ble Members towards the report of the Commission as criticised by the various Resolutions on to-day's paper. The proposal of this Commission was carefully studied; Indian interests were represented on it as well as official and non-official

European interests. It conducted a very lengthy and exhaustive inquiry and presented a voluminous report. In the evidence which it took it heard every shade of opinion, but doubtless the opinions divided themselves to a great extent into two main schools of thought, and the division between these two schools of thought was largely a racial division. If so, I think, the desire of all of us to reach at present a compromise of a racial nature, but it will be obvious to the Council that as this Resolution refers entirely to a matter of racial distinction, it is impossible to discuss it except to some extent from the racial point of view. There were then these two main schools of thought, one pressing for a very rapid admission of Indians for European in all branches of the public service, the other recommending a restriction, in some cases perhaps an ultra-restriction, policy. The report of the Commission represents, as such reports generally do, and are in fact almost bound to do, a compromise between the two extreme points of view. It is not reasonable to expect that either side in an exhaustive inquiry the findings of the Commission should be accepted in a spirit of give and take by both sides, that the advocates of extreme action should adapt themselves to the more rapid progress recommended than they appear of and that the advocates of extreme restriction should restrain themselves to the detriment of the full realization of their dreams. In this spirit I say the European non-official community have accepted the findings of the Commission, and signed them, generally speaking, as a fair and reasonable compromise. Doubtless after some years from the subject may be required to be re-opened and studied over, but we think that the findings of the Commission should be mostly accepted and give a fair trial in practice. Unfortunately this attitude has not accorded itself to many of my Hon'ble Colleagues, whose opinion favours a more rapid substitution of Indians for Europeans, and they appear, from the large number of Resolutions put forward by them, to have gone through the report with the intention of asking the Council to reject every recommendation of the Commission which does not fully realize their aspirations.

There are just one or two considerations bearing on almost all the Resolutions, but having a special application to this first Resolution, which I should like to place before Hon'ble Members. The security of India from external aggression has been secured through many long years and is being secured during this great war by the British Navy. Internal peace and security of private property have been and are being secured by British Government and British administration. I am not yet in full possession of the views of those whose I mentioned on the future developments of administration in this country; those views we shall, I hope, have an opportunity of hearing before His Excellency the Viceroy and the Secretary of State during the latter's approaching visit to this country. I have no desire to anticipate the opinions of the spokesmen of my Chamber and what I say now represents my own views only. But this, I think, I can safely say; we recognize that the goal of British administration in India must be the ultimate attainment of self-government; within the Empire and we realize that the time has come for the clear definition of that goal and for the careful consideration of what immediate steps towards it are possible and advisable. We therefore welcome, if I may be permitted to digress slightly for a moment, the characteristic speech with which His Excellency the Viceroy opened the present session of this Council and we associate ourselves with the sympathetic attitude which His Lordship adopted towards legitimate Indian aspirations. We claim, however, that in such changes as may be decided upon, the very large commercial interests of European British subjects in this country and the vast sums of British capital invested in this country should be adequately safeguarded. Certain methods of safeguarding these interests will doubtless form the subject of our future representations; but one thing which we should certainly regard as necessary is that the essentially British characteristics of the general administration of this country should be maintained, and we are of opinion that these characteristics can only be adequately maintained, at any rate for some time to come, by following the recommendations of the Public Services Commission as to the constitution of the higher ranks of the Indian Civil Service, and the Public Department. In His Lordship's opening speech he referred, as one of the directions in which progress must be made, to the increased employment of Indians in the various branches of the public service. With this policy I am completely in accord, for it is obvious that the desired goal of British administration in India can only be gained by the training of Indians in administrative work and that training can only be given by their increased admission to the public services. But I submit that while progress in this direction should be as rapid as is consistent with efficiency it should not be unduly accelerated at the expense of efficiency. There is a frequently quoted phrase of, I think, the late Sir Henry Campbell-Bannerman that good government is no substitute for self-government. This no doubt has a good deal of truth in it, but I submit, Sir, that the converse is equally true and that self-government is no substitute for good government. The admission of Indians to the higher ranks of the Indian Civil Service and the Public Department should be guided by the supply of Indians of equal administrative experience and ability to the European officers whom they will displace, and I submit, Sir, that for a considerable period at least the recommendations of the Public Services Commission will be found to be a necessary safeguard to the maintenance of good and efficient Government.

The Hon'ble Mr. KAMRUDDIN KHAN CHAUDHURY:—Speaking for myself, I confess I felt that, in view of His Excellency's recent speech and the recent announcement of His Majesty's Government's policy, it would not be necessary for us to bring forward the Resolutions on the recommendations of the Public Services Commission's Report, of which notice has been given. I felt, Sir, that the recommendations of my friend the Hon'ble Mr. Sarves was almost a corollary to the Hon'ble's speech and the recent announcement of His Majesty's Government's policy.

and I thought that there would be no opposition to the Resolution which is considered necessary to be placed before the Council. But in view of the position that has been taken up by the Hon'ble Sir Hugh Bony and the Hon'ble Mr. Hogg, I feel it my duty to give my humble support to the Resolution and that in stronger terms than I would perhaps otherwise have felt inclined to do.

"Sir, as far as the Commission on the Public Services in India has given greater consideration and careful deeper consideration than the recommendation of the majority that there shall be practically a governing caste in India; that in view of the susceptibility of the British Government for the good Government of India there shall be a preponderant number of British officers in the Indian Civil Service and the Police. Sir, I submit that, that is entirely correct, essentially correct and politically dangerous. In the first place, Sir, the country is not, and naturally all the appointments in it should belong to us. If the country was independent these could be no question that outsiders could not possibly come in. But it is not independent. Even then I submit respectfully, that the choice of the children of the soil to appointments can be based only on considerations of fitness, and outsiders, non-Indians, are entitled to compete for appointments only on the grounds of ability, on grounds of relative or absolute fitness. Sir, there is also the provision of the Charter Act, to which reference has already been made, as well as the despatch of the Board of Directors of the East India Company and the very reasonable Proclamation of Queen Victoria. Well, Sir, the recommendations of the Commission have cast all these provisions to the winds. In the second place, the country is very poor and we all agreed to pay the salaries on the high scale that was to be paid to British officers, the highest scale, I believe to be known in the civilised world.

"Not only is influence agency deeper but by the employment of British agency a double wrong is caused to the country. You are paying more and whatever you pay in the shape of salaries, leave allowances and pension and other charges, goes out of the country with these officers when they retire. This, I consider Sir, is essentially wrong and is bound to lead to impoverishment of the country.

"In the third place, it is politically dangerous to shut out the children of the soil to restrict the employment of the children of the soil, from the highest appointments which the recommendations of the Commission involve, set on the ground that they are unfit but on the ground that they are not British. Sir, on this question, I shall wish your permission quote the opinion of Sir Maitland Chabell, taken from page 277 of the Commission's Report. His says—

"At present the Indians are far and few; and every Indian officer, whether high or low, feels that he is not serving himself or his country but is an individual hired to labour for somebody else. . . . The danger this feeling there must be the higher service in all departments of the administration be present a large number of Indians, so that they may collectively feel that the responsibility for a strong and wise Government of the people rests mainly on them."

"And then again he says:—

"The too limited employment of Indians in the higher service is one of the main causes of the discontent and unrest which have recently become so marked among the educated classes. The preponderance of practically all the higher offices in the State being monopolised by the foreigner and the European leaves large in the view of these young men who formed originally the extremist school. A wider and more liberal employment of highly educated and capable Indians in the higher posts will, it is believed, in no small degree strengthen this [the Moderate] party and correspondingly break through the strength of the other school.

"Since last August 1914, however, this demand for a larger employment of qualified Indian Agency in the higher service has received an added force. This unfortunate War into which the whole Empire has been launched, the response that India has made to the call of the Empire is its real and the greatest and appropriate lesson in which responsible British Administrations have spoken and are speaking of the loyal support from all classes and communities in India have raised hopes and aspirations which if not substantially satisfied will result in disappointment and even alarming discontent."

"Sir, I submit, that in all the circumstances the correct view to take would be to adopt the recommendation made by Mr. Justice Aldus Robins that the liquidation of officers from Empire should be limited to cases of clear necessity.

"With these words, Sir, I support the Resolution."

The Hon'ble Mr. K. V. Raghunathan Aiyangar:—"Sir, it is not from the point of view that there is any serious defect in the Civil Service or the Police by the preponderance of the British element that we urge upon the Council the adoption of this Resolution. It is more from a selfish point of view—or rather, call it a just point of view, that more appointments in the higher services should be thrown open to Indians, that we approach the Council with this Resolution. The recommendation of the Commission casts a slur on the Indian character and Indian ability. It places Indian interests in a lower scale and implies that by the employment of the Indian element the good Government of India will suffer. This is doing an injustice to the great number of Indians of ability who have done so much service to the Government in affairs of trust and responsibility. In the interests of Government I would say that it is a bad policy to differentiate between the two great subjects of this Majesty. To do so would be against the policy of the Great Queen's Proclamation, and the anomaly would be unjustified and impolitic. As was noted by His Excellency when he opened the present Session, the real remedy and the remedy would be by increasing the co-operation of Indians in more responsible posts in the higher administration of India.

"With these few words I support the Resolution."

The Hon'ble Sir Hubert Baines (Jury Foreman).—Sir, I had an opportunity to intervene in this debate but for the reasons stated by my Hon'ble friend Mr. Claude I am also obliged to say a few words on this Resolution. To my mind, nothing could be more prejudicial to the true interests of the Empire than the adoption of any recommendation of the Public Service Commission by Government which would in actual practice be found to be going against the pledges of equality of treatment so repeatedly guaranteed by the Acts of Parliament and the various Proclamations of Her late Majesty Queen Victoria. I am afraid the principle to which this Resolution in particular refers, if acted upon, will certainly go against these pledges. That principle has already aroused universal indignation throughout the country, and I am strongly of opinion that it is high time now for the Government to repudiate it, even in view of the altered circumstances brought about by the present War and especially in view of the proclamations made by the Secretary of State and by His Excellency the Viceroy, it is necessary that the effects of those proclamations should not be allowed to be nullified by the acceptance of such a principle.

"This is all I have to say."

The Hon'ble Mr. M. E. COCHRAN.—Sir, this may almost be called a Madras Resolution. It has been moved by a Madras Member and two Madras men have already spoken on it. I feel therefore that as the official representative of this Resolution it must say a few words.

"My objection to the acceptance of this Resolution is that if we remove the preponderance of British officers in the Civil Service and the Police, they can at the present time and for some time to come only be replaced by Brahmins. Now I am no anti-Brahmin. I have many, good friends among them, but I must regret that a corresponding descent of Brahmins in the upper ranks of these two services will be felt as a great injustice by the people of the other communities in Madras and probably in other provinces, and it would also be much resented by the non-Brahmin communities in Madras. First of all, let me give my reasons for thinking that if the British element in these services be reduced, it would not be substituted by other than Brahmins. The Hon'ble Mr. Jinnah questions the accuracy of this statement, and I am sorry that I cannot be proved by supporters' statement. I shall give the facts on which I rely. I take the educational figures from the last census. The population of the Madras Presidency is 42 million, of which the Brahmins are 1,500,000. Taking the literates per thousand, among the Brahmins it is 60 per cent, among all religions including Brahmins it is 13 per cent; among rural labourers, it is 2 per cent. Of course more ability to sign a name, as compared with being a 'mathematician', cannot qualify anyone for the I.C.S. or the Police Department. We have, therefore, to consider the question of literacy in English. Literacy in English among male Brahmins is 13 per cent; among all Hindu males including Brahmins is 33, the proportion in Marathi in English is therefore 50 to 1. That is to say, a Brahmin, if literacy in English alone was considered, would have thirty times as good a chance of getting entrance into the I.C.S. and Police as the average of all the Hindu caste put together. More literacy in English of course does not necessarily imply the standard that a man would reach if he was working at a secondary school-leaving certificate. Even that is not of course sufficient to justify an appointment to either of these two services; and the higher up you go in the educational scale, the superiority of the Brahmins increases in geometrical proportion. Sir, I think I would not be oversteering the case when I say that among graduates, the Brahmins will have at least a hundred times as good a chance of becoming a graduate as the average of the other Hindu castes. Now, appointments to the I.C.S. or the Police service must be made from graduates, and therefore this stick off the Brahmins in the race with an immense advantage. To the result it would mean that the highest posts would be monopolised by the Brahmins. Well, these figures, 42,000,000, against 1,500,000 are so significant that, I think, they speak for themselves. It is obviously rather small slightly and it would be highly prejudicial to the whole of the Indian community. In his speech the Hon'ble Mr. Baines several times used the expression 'the whole Indian community.' He said that the whole of the Indian community throughout the length and breadth of the country were united in condemning this particular finding of the Public Service Commission. I am afraid I cannot at all shake the truth of that. The Indian community, the non-Brahmin community, by which I mean 97 per cent of the population, is far from surprised at the prospect of being still further subjected to Brahmin domination. Hyderabad, it has been contended and they are already aggrieved by the existing predominance of the Brahmins, but it would cause grave dissatisfaction among the majority of the community of this further demand as recorded by. Of recent years, we have had the South Indian People's Association representing the views of the 97 per cent, and there is a daily paper called 'Justice' which puts forward their view; and in view, representing the views of over 90 per cent of the people, are entitled to a good deal of weight, especially when we consider the reason with which this paper is continually attacked by the Editorial Press and of course I include in this the Times-Sunday Press. A critic, however, might without remark that in proportion to the voice of the people because articulate it appears to be something of its vicinity. I think a reference to any article of 'Justice' will bear out my statement that there is absolutely no pretence on the part of 97 per cent of the population of the Madras Presidency it favours of substituting Brahmins officers for Europeans under the auspices of the South Indian People's Association by Mr. O. Rameswami Chetti. He says, 'would they prefer to be governed by a typical Englishman or a typical Brahmin?' The Englishman was a selfish creature, he was a scoundrel being; but he had also got ideas of

Council, if the discussion were postponed until February, we might be in this unfortunate position; that either the Government of India would have come to a decision without having consulted the Council which would have been contrary to the pledges given by the Hon'ble Sir Reginald Cradock, or, we might have been unduly delayed in coming to a decision on a question of expediency. I do not refer to this particular Resolution but other recommendations which ought not to be delayed. I think I may say, for instance, with regard to the Education Service without any breach of confidence, that we have been pressed to proceed with the examination of the proposals of the Commission without delay. At the same time there are disadvantages in taking up the case now. The Report would cover a very wide field and the labour involved in examining the various points is it is very great. Not only are the pay and prospects of every service discussed, but the principles of appointments are similarly very drastically dealt with. Again we have not even the advantage of unanimous recommendations, for this Report is shared with Ministers of Council, and one of those Ministers is really a Minority Report. Now to secure the value of a Report like this, we must have time and we must also have acceptable opportunities of examining the evidence. I hope therefore that Honourable Members will realize that the Government, already over-burdened with much additional work connected with the war and with political and constitutional problems of great urgency, cannot deal finally with these recommendations with any expedition.

"Up to the present, we have confined ourselves to a preliminary examination of the general points. On these points we have come to tentative provisional conclusions, and we are consulting Local Governments on them, in accordance with the policy which was deliberately decided in the papers laid before this Council in last March. Indeed we could not come to any definite decision before having what Local Governments had to say; nor would it have been fair if we had done so until this Council had had an opportunity of expressing its views. I do not think I need repeat what Sir Reginald Cradock said, because many of the Council will remember it, but the understanding given by him has been steadfastly kept in view and the time has come for Honourable Members of the Council to give their part in expressing their views, and I am very glad that they have done so. The Government, on the other hand, has listened, and will consider, all that they have said or may have to say, with an open mind, and will give due weight to the arguments that they may advance. It is, however, as I said before the essence of the problem that the Government should not have made up its mind at present on those points, and in that sense, I am unable to accept the Resolution proposed by the Honourable Member. As to the merits of the Resolution under discussion I think we may fairly say that it goes to the very root of one of the many difficult problems which was set for solution by the Public Service Commission, and I should like to remind the Council that that Commission was very carefully chosen. It represented as many schools of thought as possible. It included a strong element of Englishmen with no hereditary bias. Its deliberations were constantly influenced by three wise and learned Indians, although one of them unfortunately passed before the final conclusions were reduced to writing. The premature death of Mr. Gokhale is to be deplored for many reasons, and amongst the many unfortunate effects is the absence of a definite expression of his opinion upon these problems. I do not think, however, that it can be doubted that his strong views, his great influence had their influence upon the other members of the Commission in deciding the questions before them. Now, that Commission sat and heard evidence for two laborious years and though there were Members of Council, yet the views of the majority was quite clear.

And I do submit to this Council that it would not be right to treat the final conclusions of the majority, arrived at after such deliberations and now, with absolute contempt as some people desire. Nor would it be right for us to throw this Report upon the scrap heap. This is what I understand the Hon'ble Mr. Malviya is asking, and it really seems to me that if he thinks so, it is a pity that he did not move a resolution to that effect. There may be others who advocate this course also. To them it might be said—that however dissatisfied they may be with these recommendations, the Report itself does involve this great admission that enough has not been done in the past in the direction of employing Indians in the administration of India, that the recommendations involve a great forward movement in this direction, and that further, as the Report itself opens a way for periodical reconsideration of the extent to which the further employment of Indians can be increased, it is scarcely fair to say as was suggested by the Hon'ble Member that it is a question of "thus far and no further shall they go."

"Generally, the Government of India have held the view that, while the public services should be regulated on the principle that they should be filled by the most competent men, the persons must be subject to modification in the interests of the training of Indians in the administration of their own affairs, and that full opportunity should be afforded to Indians to qualify themselves for the more important parts in the public service. The Government recognize, however, that intellectual qualifications, combined even with physical vigour, should not be the sole test for admission into important posts in the public service, and that due regard must be given to such considerations as character, training and hereditary connections of the candidate, both with the Government and the people. Further it is essential in the present condition of the people of India that there should not be an undue predominance of any one class or caste. That is the general view with which so far the Government have approached the question, but as I have tried to explain, these conclusions are purely provisional and tentative.

"As to the Civil Service itself, I feel that it is rather trying for me to have to say much of a service in which I have the honour to belong, but at the same time I can quote what other people have said on it. The Civil Service, as the Commission say, is a small body of men on

whom the responsibility for the good government of this country ultimately rests, and this is the view that has been put forward in the past. I venture to quote from an old dispatch of 1893 on this subject sent to the same effect. There it is said that the Civil Service represents the British Government in India and are the British Government in the eyes of the people. It is to them presented in *form*, their impartiality, their justice and efficiency, their physical and moral strength, then the day administration of India is entrusted. Sir, I do not propose to justify these remarks or attempt to justify them, nor do I propose to anticipate the arguments of the Hon'ble Member and his supporters on the resolution. Is not I think that any such contention would necessarily base itself on a definite point of view, which, as I have already explained to you, the Government of India have deliberately refused to adopt. His arguments for me, however, to assist the Council, that there is another side of this question, and so on, whatever his assertions are, one reasonably supposes that considerations which have influenced successive Governments of India and Secretaries of State for many years are entirely distinct of weight and force. Now one of those considerations has been that if the British character of the administration of India is to be maintained, it is essential that there must be, not a preponderant Indian member, but an adequate proportion of British officers in the Indian Civil Service. This was the position (and I say this with reference to what the Hon'ble Member said) taken not only by the Government of India but by the Secretary of State in 1858 and 1864, and it was not at that time disputed even by those who advocated the principle of absolute Indian administration. In the debate on Mr. Sarda's resolution on the 17th of March 1913, at which I think my Hon'ble friend the Member said, Sir, I do not think the same principle is invariable terms. It is true that some advanced politicians seem to think that with the British Government, may be necessary to hold this country and protect it from internal disturbances and external aggression, the administration might be covered up by Indians as actively Indian lines without design to the development of the Empire. I will not quarrel with the point that perhaps further progress in this and that countries entails obligations, but I would point out that of the witnesses before the Commission, who urged the necessity for increasing the proportion of Indians employed in the Indian Civil Service, a large number, including Indians of indisputable authority and influence, suggested the necessity of maintaining a substantial British element in the Indian Civil Service. I am not inviting the Council to subscribe to this contention, which I have quoted merely by way of illustration, but I do wish to emphasize the fact that arguments such as those would be given careful consideration and weight when the Government of India come to form their decision. And I think that the Council will easily agree with me at least to this extent, that from whatever standpoint we may view the question raised in this resolution, it is one which calls for the most careful and anxious consideration, and that here whether the question is considered historically or in relation to the welfare of the nation, in regard to the large vested interests in this country, Indian as well as European, or in regard to the vast quantities of British capital which has been invested in India, or the understanding that the administration will be conducted on British lines, and finally in its bearing on the vital question of the maintenance of British India as an integral part of the British Empire. From all these standpoints I do submit this aspect of the case is one of the greatest gravity. I wish to guard myself from the impression that I am for a moment indicating what the policy of the Government is or that I am suggesting that India should not have as large a share as there is policy in the administration; such a suggestion would be entirely at variance with the declared policy of the Government. The Public Service Commission, although it confirmed the view that a preponderant element in the Indian Civil Service should be British, itself recommended the increased employment of Indians in that service, and by no means disavowed, as has been suggested, Indians from entering into it. I should like to point out to the public assembly which made this recommendation included Sir Michael O'Donnell, and that only two members of the Commission dissented from it. These included Mr. Huxley Macdonald, who, though he did not subscribe to the recommendation of the majority, also held that the service must contain a substantial proportion of British members. Further, as I have said, the recommendations of the Commission preoccupied attention at frequent intervals. Apart therefore from arguments on the merits, the weight of opinion against which the resolution proposes to protest is heavy. Now the Sir I can assure the Council that the Government of India will consider the views expressed by the honorable member and his supporters with great attention and will attach to them the full weight which they merit. The Government recognize that the past three years have witnessed epoch-making events, that India has entered and obtained a new position in the Empire and that pre-war problems must be looked at from the post-war point of view, and my honorable friend may rest assured that the Government of India will approach the resolution of this question in a liberal and judicial spirit and with the warmest interest in reaching the best solution for all interests and especially the Indian interests involved. Briefly I may say the Hon'ble the High Court that the views of the community which he represents will be fully considered before any decision is arrived at.

The Council will understand from what I have said that I cannot accept this resolution and I hoped I have made the position of the Government clear. They have not accepted even provisionally either the Commission's views or any other view, but they feel strongly that important and very grave considerations will have to be weighed in the balance before vital obligations such as the honorable member advances are made in the constitution of the service. I have not discussed, I may say, the question of the Public Service in this debate because there is a separate resolution dealing with that. I trust that the honorable member will pursue me for deferring my remarks until that question is separately discussed. Sir, if the reply I give does not satisfy the honorable member, I would add that a great guarantee for progress in the direction

indicated by him is contained in the speech of His Excellency the Viceroy at the opening of this session and in the weighty announcement recently made by the Secretary of State which opened with these words with which I will start—"That the policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration."

The Hon'ble Mr. Mahadev R. N. Sarda said—"Sir, I am thankful to the Hon'ble the Home Minister for the assurance that the views which my honourable friends and myself have presented upon the attention of the Government will receive due consideration. I am aware that any other answer would be impossible under the present circumstances; but His Excellency's Member will realize how necessary it was in the interests of the country that we should invite specifically the attention of the Government to the views that are held by us on these important questions. The Hon'ble French Member, M. de Montigny moved a resolution last March asking the Government to set to work on any decision with these matters were discussed in the Council and the Government were pleased to give that decision. But, in order that judgment may not go against us by default, we have felt it necessary to bring forward these resolutions. It is under these circumstances that, notwithstanding the embarrassment of the country, notwithstanding the difficult position we are in, that we have felt it necessary to press upon the attention of the Government and of the Council these resolutions."

"Now I think I shall be allowing only proper courtesy to the Honourable Member from Madras if I take up his observations first. I am sure, unless he says that I am incorrect, that the views that he is representing are the views of himself and not of the Government which has elected him to this position. The Civil Service, Sir, I may be allowed to remind him, is not a Madras service, is not a Bombay service, but is an all-India service. The Britishness may hold the field in a particular position, but if we have regard to statistics as to the actual number of places held by Britishmen throughout India, it will be perceived that the non-Britishness commensurate is in the majority in the whole of India, and the Britishness commensurate is in a small Britishness majority of the Civil Service from Madras would not have the slightest objection to be set aside, when they do not occupy a predominant position. I may even go so far as to say that if the Government of the day were to decide in the principle of allowing Indians to occupy their fair share in the service, Britishness might prefer for their own interests, if these interests should stand in the way of the advancement of their competitors."

"I may also remind the Council that the non-Britishness community of Madras have previously disapproved it, and dissociated themselves, in a large measure, from the representations which are being made on behalf of that community by the paper called 'Justice' and by certain members constituting the South Indian Association. A conference of non-Britishness held last month in Calcutta adopted practically the resolutions of the Congress with regard to substantial questions of reform, expressed its disapproval of the report of the Public Services Commission, and while asking for the safeguarding of communal interests asked that a large advance should be made in the direction of granting the wishes of the people as asked for in this particular resolution and in the resolutions on the agenda paper. Therefore, I may assure the Council that there will be no creation of a political danger either in South India or in the rest of the country if Britishness preponderance amongst the educated classes and in a particular section of the country."

"The argument that is frequently urged that the masses of the people would resent these potential changes or that the educated Indians do not represent them has been lately disposed of by Mr. Justice Abner J. J. in his able report where he showed conclusively that there is absolutely no evidence that the masses would resent these changes in the manner suggested or that there would be any dissimination, &c. On the other hand, the attitude of His Highness the Aga Khan and the other members of the Moslem community and other communities showed conclusively that there is absolutely no antagonism whatever between the educated and uneducated classes or between the several communities occupying this Peninsula."

"With reference to the question of safeguarding the interests of particular classes I may remind the Hon'ble Mr. Hogg that not even of British capital have been revealed in the Indian States who, but I take it that there is no preponderance element in the services in the Native States; and if you study the statistics of crime and other statistics of Native States, it is an object lesson for as that it is not so vitally necessary for good administration that there should be this preponderance that is sometimes urged in the former. As I have pointed out already, Indians can be no preponderance of any particular class. I deprecate any such preponderance. I speak of myself as one of the Empire. Britishers should have the same fair play, the same opportunity in this country as we may be allowed in other parts of the Empire, and I welcome their co-operation and among them, but only on terms of perfect equality with us and no more."

"Then with regard to certain observations as to character and so on, certainly no one would quarrel with the Government if they should insist upon character, position and so on in these services. But may I point out that special individual characteristics have been proposed in India amongst Indians for various purposes, whether qualities in some, somewhat qualities in others, and so on; and you will be able to find ample material possessing all the characteristics required amongst the vast mass of the population, as has been abundantly proved on former occasions."

"I hope I have not incorrectly understood the position of the Hon'ble Mr. Haughey Ayerston, when he spontaneously observed that even from the self-interest point of view we could not but claim a larger share in the administration of the country. But I think it is

absolutely unnecessary to urge any self-interest in this matter because the larger interests of the country and of the British connection require the removal of the bar about which I have spoken."

"With regard to the observations made that the Public Service Commission does not set any bar in the manner I have described, viz., 'then far and so forth,' I may be permitted to observe that I understood the Public Service Commissioners to say that within the operation of the proposition which they have suggested, there may be necessity to design the question of a limitation, whether the proportion should be one-sixth, one-fourth, one-fifth, one-third or two-fifths, or whatever it may be, but not that they have contemplated the possibility of their decision being obnoxious in the circumstances."

"Of course I am very glad that the Government do not take it in that light and I shall hereafter read the Report of the Public Service Commissioners in that light, namely, that the bar they have set is only for present purposes. But even then, as I have remarked, this bar would operate in reality for a period of nearly thirty years, and that is not possible to contemplate."

"With regard to the composition of the Commission and the weight which is to be attached to it, I have already said that it is entitled to weight; but I respectfully submit once again, Sir, that this report should be treated as a pre-war report not entitled to the same consideration under present circumstances, and with the new vision that has dawned upon the people, that it would have obtained before the war. It may be regarded as a pre-waristic document for some purposes; and Mr. Justice Abder Halim, I may also point out, has made himself a bore in this respect because there has not been a single meeting in a single place where he has not been upheld as the exponent of the true Indian view. I hope therefore that the Government will bear this in mind when deciding the weight which is to be attached to the opinions of the different gentlemen who composed the Commission."

"Well, Sir, in view of the remarks which have fallen from the Hon'ble the Home Member, I do not think any good purpose will be served by pressing my resolution to a division."

The Hon'ble the Vice-President:—"I understood the Honourable Member desires to withdraw his resolution."

The Hon'ble Sir Bahadur B. N. Sarna:—"Yes."

The resolution was by leave withdrawn.

The Council adjourned to Friday, the 21st September 1917.

Done,
The 23rd September 1917.

A. P. MUDDISAN,
Secy. to the Govt. of India, Legislative Dept.

The Council met at the Council Chamber, Victoria Lodge, Seale,
on Friday the 23rd September 1917.

PRESENT:

The Hon'ble Mr. G. R. LEWIS, Vice-President, presiding, and 38 Members,
of whom 22 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. SIVARAMA SWAMI asked:—

1. " (a) Is Government aware that certain persons in high office, authority have deprecated the scheme of post-war reforms adopted by the Indian National Congress and the All India Muslim League in last December as impracticable, out-of-date and greatly exceeding the changes likely to be granted by the authorities? "

(b) Also the situation of Government been drawn to a report that Lord Dalglish, in his private capacity and not as Under Secretary of State for India, recently outlined before a meeting of Oxford students the constitutional changes which, in his opinion, were suitable for India? "

(c) Is it a fact that both the late and the present Secretary of State for India have declared in Parliament that a statement may soon be expected on the subject of constitutional reform in India? "

(d) Will the Government of India be pleased to consider the desirability of

(i) obtaining the consent of the Imperial authorities in England to the publication in this country of the scheme of reforms that is understood to be under discussion? and

(ii) giving the people of India an assurance that they will be afforded full opportunities of discussing the proposed reforms and making representations to the authorities on them before a final decision is taken? "

The Hon'ble Sir WILLIAM VERNON replied:—

" (a) & (b). My answer is in the affirmative.

(c) & (d). The situation of the Honourable Member is drawn to the recent announcement by the Secretary of State."

The Hon'ble Sir Bahadur W. N. SAKSA asked:—

1. " (a) Have Government under consideration any practical measures for starting, strengthening and equipping agricultural, engineering, managerial and technological educational institutions, with a view to relieving the depression of this country on account? "

(b) If so, have any estimates been prepared and will Government be pleased to state the total cost and the recurring cost of such measures? "

The Hon'ble Sir C. SIVARAMA SWAMI replied:—

The Government of India have recently received proposals for—

(a) The improvement of the United School of Engineering at a capital cost of about Rs. 3,70,000 and an additional recurring cost of about Rs. 55,000 a year.

(b) The opening of the existing Survey School at Cuttack into a school of engineering at an estimated cost of about Rs. 1,40,000, of which Rs. 20,000 will be met by private subscription, and an additional recurring cost of about Rs. 12,000 a year.

(c) The reorganisation of the staff of the School of Engineering at Assam at an additional recurring cost of about Rs. 30,000 a year, and

(d) The creation of an appointment in the Indian Educational Service for a Principal of the Government Commercial Institute at Calcutta, in lieu of the existing post, at an additional recurring cost of about Rs. 7,000 a year.

Consideration of (c) and (d) has been postponed pending receipt of the reports of the Public Works Reorganisation Committee and (b) is awaiting consideration of the recommendations of the Public Services Committee. The remaining proposal has only recently been received and the subject is to be taken up at present under consideration.

So far as institutions for the teaching of agriculture and forestry are concerned, the attention of the Honourable Member is invited to the reply given to him by the Honourable Member for Revenue and Agriculture to a similar question at the meeting of Council held on the 29th September 1916. The matter is still under consideration and no estimate of cost has yet been prepared."

The Hon'ble Mr. MARUTHI KUMAR CHAKRA asked:—

1. " (a) Has any Committee been appointed to examine the question of the cultivation of long staple cotton and report thereon? "

(b) If so, will Government be pleased to mention the personnel of the Committee? "

The Hon'ble Mr. R. A. MANN replied:—

" As I said in reply to a question by the Hon'ble Mahaswami Sir Mahadeva Choudra Naidu two days ago it has been decided to appoint a Committee in the coming cold weather to examine the possibility of extending the cultivation of long staple cotton in India. The Government are not at present in a position to state the personnel of the Committee but hope to make an announcement on the subject very shortly."

The Hon'ble Sir GANESHAJI CHITambari asked :—

4. " (a) Has the experiment of releasing juvenile prisoners conditionally for work with selected firms been tried with conspicuous success in the Punjab ?

(b) Is it a fact that out of 107 boys conditionally released only one was released and two escaped ?

(c) If so, will Government be pleased to issue instructions to Local Governments to try the scheme experimentally in other Provinces wherever possible and to report results to the Emperor Government ? "

The Hon'ble Sir WILLIAM VERNER replied :—

" (a) Yes.

(b) It appears from the Punjab Jail Administration Report for 1946, that 107 juvenile offenders were conditionally released during that year to the Deraigar Settlement managed by the Salvation Army at Lahore, and that of those, as the Honourable Member says, one was released, himself and two escaped from the Settlement. But these 107 boys released to the Salvation Army are distinct from the juvenile prisoners released to selected firms.

(c) There are other Provinces in which experiments are being made on somewhat similar lines. The subject of the treatment of juvenile offenders is one of the most important of those which will come before the projected Jails Committee after the war and will, no doubt, be exhaustively discussed by that body. In view of this, and of the fact that the experiment may not be suited to local conditions in all Provinces, the Government of India do not consider it necessary to issue instructions in the sense suggested by the Honourable Member, but they will send a copy of this question and of this answer to Local Governments."

The Hon'ble Sir GANESHAJI CHITambari asked :—

5. " (a) Did the Government of the Central Provinces send for approval to the Government of India certain proposals with a view to enable Settlement Officers to recruit Malguzars and tenants when rents are fixed by Settlement Officers at the time of settlement ?

(b) Is it not the fact :—

(i) that Malguzars have the great responsibility of realizing rents fixed by Settlement Officers in the districts of which they have no voice ?

(ii) that in some places where such rents were fixed by the Settlement Officer, complaints were made that rents were heavy and could not be easily realized ?

(iii) that on such representations being made in certain parts of the Central Provinces, the Local Government was pleased to inquire and reduce the rents in response to complaints or representations made by the people or its Trust ?

(c) If the answer to (a) be in the affirmative, will Government be pleased to state what orders (if any) were passed on the proposals made by the Central Provinces Government ?

(d) If these proposals have not been approved and sanctioned, will Government be pleased to state the reasons which led them to disapprove of the same and will they be pleased to reconsider the proposals in consultation with the official and non-official representatives from the Central Provinces and Orissa where the system of fixing rents by Settlement Officers obtains ? "

The Hon'ble Mr. H. A. MAIR replied :—

" The answer to part (a) of the question is in the affirmative. The proposals referred to were referred to the Chief Commissioner for further consideration, and he has since informed the Government of India that he has decided not to proceed with his original proposal. If further information on the subject is desired, it should be asked for in the Local Council."

The Hon'ble Captain ARUN KUMAR, Sarda Bahadur, asked :—

6. " (a) Is it a fact that Civil Sub-Assistant Surgeons who volunteered for military duty in India and cannot resort to civil duty under the existing rules have suffered loss of their private practice and other facilities enjoyed by them while on civil duty ?

(b) If so, will Government be pleased to state what compensation and prospects are given to them in lieu of such loss ? "

His Excellency the GOVERNMENT-IN-CHARGE replied :—

" In respect of both questions the reply is as follows :—

Civil Sub-Assistant Surgeons are liable to be deputed for ordinary military duty in India during their first five years' service under the terms of their engagement. Men so deputed are not paid compensation to cover any loss of private practice that may be involved in fulfilling the terms of contract. They receive exactly the same pay as their colleagues of corresponding grade in the military sub-assistant surgeon branch and benefit substantially to the extent shown below :—

Minimum pay in civil.	Pay in military.	Minimum pay in civil.	Pay in military.	Minimum pay in civil.	Pay in military.
Rs. 45	Rs. 50	Rs. 50	Rs. 55	Rs. 55	Rs. 60
50	55	55	60	60	65
55	60	60	65	65	70
60	65	65	70	70	75
65	70	70	75	75	80
70	75	75	80	80	85
75	80	80	85	85	90
80	85	85	90	90	95
85	90	90	95	95	100
90	95	95	100	100	105
95	100	100	105	105	110
100	105	105	110	110	115
105	110	110	115	115	120
110	115	115	120	120	125
115	120	120	125	125	130
120	125	125	130	130	135

These Civil Sub-Assistant Surgeons who volunteer for general service in or out of India receive their full civil rates of pay, in addition to the full military rates of pay of their grade, plus a special allowance which varies from Rs. 50 to Rs. 100 per mensem according to their grade. These rates, especially those granted for general service, are considered very liberal and should go far to compensate for loss of private practice."

THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

The Hon'ble Member MURRAY MALABY :—“ Sir I beg to move the final report of the Select Committee on the Bill to amend the Transfer of Property Act. I may, with your permission, say, Sir, that I propose to move at the next meeting of the Council that the Bill should be passed into law.”

RESOLUTION RE SIMULTANEOUS EXAMINATIONS FOR THE INDIAN CIVIL SERVICE IN INDIA AND ENGLAND.

The Hon'ble Member MURRAY MALABY :—“ Sir, I beg to move that :—

“ That Council recommend to the Governor-General in Council that the Government of India should revise the Secretary of State to arrange that the examinations for the Indian Civil Service should henceforth be held simultaneously in India and in England, successful candidates being classified in one list according to merit.”

“ As we all know, Sir, this question is an old one. In 1793 there was the East India Company Act passed under which appointments under the East India Company were limited to certain members who had the sole right of conferring employment in the higher civil appointments in the service of the Company. But when the Charter Act of 1833 came to be framed, a clause was introduced recognising the natural right of Indians to employment in the higher services of their country. That clause was described by Mr. Peel as ‘that wise, liberal, and noble clause.’ It recognised that though India had come under the dominion of England, it was the natural birth-right of Indians, that if they were qualified by education and character they should be employed in all the higher offices under the Crown. In the course of the discussion that arose on the Bill which subsequently became law, many resolutions were proposed, but I will invite the attention of the Council to only one utterance, viz., that by Sir Charles Grant in which he said :—

“ If one circumstance more than another could give me satisfaction, it was that the main principle of this Bill had the approbation of the House and that the House was now legislating for India and the peoples of India on the great and just principle that in doing so the interests of the people of India should be principally consulted and that the other interests of wealth, of commerce and of revenue should depend upon the legislation promoting the welfare and prosperity of that great Empire which Providence has placed in our hands.”

“ When this great and just principle was recognised that the interest of the people of India should be principally consulted in all arrangements for the administration of this country, it was to be hoped that the employment of Indians in the higher services would come about, but not a single Indian had been appointed. When in 1853, a revision of the Charter of the Company came to be discussed in Parliament, Mr. Bright, Lord Stanley and other gentlemen drew prominent attention to the fact, and it was hoped some remedy would be forthcoming. It was not, however, until 1854, that the system of competitive examinations was introduced for the Civil Service. Rugby College was abolished in 1856, competitive examinations were held in 1856, Indians were still not able to compete. After the Mutiny, after the Government took the direct control of the Government of India, the pledge of 1853 was repeated and confirmed by the Proclamations of the Queen and in the House of Commons, that Indian subjects of Her Majesty would be entitled to hold any post if they were qualified; we all know the promises that at any rate the claims of Indians would not be ignored but nothing came of it. In 1859, a Committee was appointed by the Secretary of State to suggest the best means for admitting Indians into the service. This Committee considered two proposals. The first was to select a certain portion of the total number of posts declared in each year to be reserved for by Indians in India, and the second was to hold simultaneously two examinations for the Indian Civil Service, one in India and one in England, candidates sitting for either examination having to answer the same papers to be examined by the same examiners, and to be classified in one list in order of merit. It is important to draw attention to the Report of this Committee which consisted of Sir J. W. Mackenzie, Mr. Morley, Mr. Arbuthnot, Mr. Macgregor and Mr. E. Perry, all of whom were well acquainted with India. They reported as follows :—

“ Two modes have been suggested by which the object in view might be attained. The first is by reserving a certain portion of the total number of appointments declared in each year to be reserved for Indians by Natives and by all other natural-born subjects of His Majesty, resident in India. The second is to hold simultaneously two examinations, one in England and one in India both being, so far as practicable, identical in their nature and those who compete in both countries being finally classified in one list, according to merit, by the Civil Service Commissioners. The Committee have no hesitation in giving the preference to the second scheme as being the fairest, and the most in accordance with the principles of a general competition for a common object. In order to aid them in carrying out a scheme of this nature, the Committee have consulted the Civil Service Commissioners. The Civil Service Commissioners do not anticipate much difficulty in carrying this out.”

“ This report was unfortunately not acted upon; it was not even made public so far as I am aware, until 1876. In the meantime, in 1857, Mr. Dinkar Das Nayak took up the question and with the help of the East India Association agitated the question in Parliament. Mr. Parnell moved a Resolution in the House of Commons urging that examinations should be held simultaneously in London, in Calcutta, Madras and Bombay. We urged that unless this was

done the people of India would not have a fair chance of competing for these appointments; that if some scheme like that he urged was not carried out the promise held out in the Charter Act of 1833, and in the Proclamation of 1858, would not be faithfully fulfilled.

"It was no doubt true," said he, "that the Gentlemen of India might compete in these examinations, but as they could only do so by coming to London, at great expense, and then might be unsuccessful, to say that the examinations were practically open to them was an idle word."

"His proposal was that there should be examinations at Calcutta, Madras and Bombay; there should be the same papers and the same tests as in London, and that the successful candidates, whether English or natives, should spend two years in England. There would be no difficulty in carrying out the plan for the examination papers might be sent under seal to India, and the examinations being fixed for the same day as in London, the candidates' papers might be sent to England under seal, and inspected by the same examiners, the same as the successful candidates at all four examinations being arranged in the order of merit.

"The then Secretary of State concurred sympathetically with the object of the resolution, as has often been done in the case of questions affecting India, but he did not approve of the idea of holding simultaneous examinations; he stated that he was going to introduce a Bill by which a certain number of posts would be reserved to Indians. Mr. Fawcett pointed out that that would not satisfy the aspirations of Indians and would not do full justice to them, but he agreed that the course proposed might be tried and withdrew his resolution. After that the Act of 1870 was passed, which empowered the Government of India to frame rules to select Indians to certain number of appointments in the Civil Service; that proved unsatisfactory. In 1882 the Public Service Commission was appointed, and it went into the question of simultaneous examinations. A lot of evidence was given in favour of such examinations being held in India and in England, but the Commission reported against it. In 1883, in connection with Mr. Dalhousie Darnley, who was then a member of the House of Commons, Mr. Herbert Paul brought forward a motion urging the holding of simultaneous examinations in England and India. That resolution was carried, but unfortunately the Secretary of State was not in sympathy with it. He sent it to the Government of India. Empowering the Government of Madras, all Local Governments reported against it, and the Government of India did not give effect to it.

"Thus, though we have the Statute of 1883 in our favour, though we have the Proclamation of 1858 in our favour, though the Committee appointed by the Secretary of State reported in favour of simultaneous examinations, and though the House of Commons resolved in 1886, that such examinations should be held in the two countries, the proposal has never yet been accepted by the Government. The question of the larger employment of Indians was taken up in 1911, in this Council by my friend Mr. Sopha Rao, who served a nomination as the subject. In consequence of that the Royal Commission on the Public Service was appointed in 1912. Unfortunately the Commission have reported against it and, as more influential circumstances to be mentioned in this connection is that while before the Commission of 1886 a number of European gentlemen, representatives of those dependent in favour of simultaneous examinations, before the Commission of 1912, as European witnesses except one spoke in favour of it."

"What is worse, and has passed us much, is that a number of European witnesses, both official and non-official, seemed to delight in giving as bad a character to Indians as they could. The result is that the majority of the Commission have reported against the proposal. But, Sir, our objection is that justice will not be done to the claims of Indians unless the examinations for the Civil Service are held simultaneously in India and in England. The result of the examinations being held only in England has been that up to 1910, only 30 Indians had succeeded in entering the service by the date of publication as against over 2,000 Europeans. And out of 1,475 officers, who on the 1st April 1917, held posts ordinarily reserved for the members of the Indian Civil Service, including 72 Statutory Civilian and officers of the Provincial Civil Service holding total posts only 148 or about 16 per cent appeared to be statutory natives of India. Surely this is not a state of things, which is consistent with or serves out the spirit of the Act of 1858, or the Proclamation of 1858. I think it was in the debate of 1888, that one speaker had asked how many Englishmen would send their sons to India to compete for the Civil Service Examination on the all-chance of getting admission into it. Speaking in London, about 1878, Mr. Bright said that to hold the examination in England alone and to tell the people of India that they had equal opportunities with Englishmen, was akin to telling them that they must be eight feet six inches in height before they could be admitted into the Civil Service. In view of all that has been said above, the question is whether this recommendation of the Commission is one which the Government ought to accept. I submit most respectfully that it ought not to.

"In addition to our natural claim to which I have already referred and which has been repeatedly supported by many high-minded Englishmen, we have now a different state of things. The Government of India as it is constituted at present has been described by a member of the Indian Civil Service in a manner which brings out the disadvantages of the present system in very clear words. Sir Frederick Eiley wrote in 1906 as follows—

"Perhaps the justice may most vividly be brought home to our minds by imagining the scene in England. Suppose that in England foreigners were called, say the Japanese, who attacked the justice to one of their statesmen who had never been in Europe before, and surrounded him with a group of men of his own race who got their knowledge of the country chiefly from books and papers at Whitehall, who for the most part could not tell the English

language, when conversed fraternally with Englishmen was limited to a few Japanese speaking others in London, and who, when not in London, divided their time between the Scotch Highlands and the Balfors. What sort of Government would it be? It might seem admission to the people of India but would it be to the test of Yorkshire and Cornwall?

"I submit, Sir, that this is the result of practically refusing admission to His Majesty's Indian subjects into the Indian Civil Service. If the examination had been held in India, since 1855, I think it is not unreasonable to think that though our English fellow-subjects have very great advantages in the way of educational facilities and facilities for coaching, and in the fact that the examination is held through their own mother tongue, I think it is not unreasonable to think that there would have been a far larger proportion of Indians in the Indian Civil Service than we have at present. When in 1858, the status of Indians in the higher ranks of the services were recognized, education had made but little progress. The famous sentence of Lord Minto had not been written, there were no colleges, no universities and but a few schools. In spite of that fact the Government of the day recognized that it was only fair that these Indians we could show that by their education, integrity and character they were qualified for admission, ought to be admitted into the higher ranks of the service. Since that time we have had universities established in several parts of India and they have turned out thousands of graduates. They have occupied very successfully with their English fellow-subjects in all walks of life in which they have been admitted. In the judicial line, Indian Judges have shown how high they stand both in point of character and ability; they have proved themselves to be the equals of their English brother Judges. In other directions also Indians have proved their capacity as high officers, under the British Government, in Native States, as heads of districts, as Commissioners, as members Executive Councils, as Deans of Indian States; those Indians who have had opportunities afforded to them or those who have been able to force admission into the service, have shown that if they are given an equal chance they are able to render a very good account of themselves. All that we have asked for in this connection from the beginning is, not that we should be put on a levelled footing but that we should be put on a footing of equality. We say that, if two years ago we were to run a race, all fair rules of the game require that we should start both of them from the same centre, and not expect one to start several miles behind the other, and yet expect the man who started several miles behind the other to succeed in the competition. We want that Indian youths should be subjected to the same test to which English youths are subjected. We do not want any differentiation in their respect. What we do say is that if Englishmen are allowed to sit for the examination in their own country, Indians should also be allowed to sit in their country for the same examination. One might very well say that the more accurate, the more reasonable, the more just course would be that examinations for admission into the Civil Service of India should be held in India alone but that that fact is not yet. In view of the present circumstances of the country, remembering how we are situated at present, in view of the difficulties that have hitherto lain in our path, and of the desire we all have that we, Indians and European fellow-subjects, should move together in brotherly co-operation, and with as little dissension as possible our prayer at present is, as it has been for the last fifty years, that the examination for admission into the Indian Civil Service should be held simultaneously in India and in England.

"Sir, the not holding of this examination in India has exposed us to great disadvantages, political, economic and administrative. The political disadvantages are obvious. How we are discussing the question of self-government, and of the larger admission of Indians into the higher services. We are told we have not held charge of high officers, we have not been dealing with large problems and it is not right that we should ask to be entrusted with these problems at once. Well, if we have been shut out from these advantages, from the service of these high functions, the fault is not ours. I submit, Sir, that it is an unreasonable proposition that because we have so long been kept out of these advantages, therefore we should be kept out of them in future.

"I need not refer again to the remarks of Mr. Gubbins to which my Hon'ble friend Mr. Sarda referred yesterday in which he pointed out that the actual evil of the present system was even greater and more serious than the political and economic disadvantages. The people of this country desire that they should be able to feel that they stand on a footing of perfect equality with their fellow-subjects in England and the United Kingdom. That is practically denied to them by the refusal to hold the examinations simultaneously which leads to the inevitable result that but few can enter through the door in London.

"So far as the economic evils are concerned, they were again and again pointed out by the late Mr. Dadabhai Naoroji. I do not want to detain the Council by dwelling with them at length, but I will refer to a few facts to show how serious the economic evil is. According to a return presented to the House of Commons, in 1902, showing the rank and file of the British Army, the total of the salaries, pensions and allowances received in 1899-00 by public servants and retired Government officials, showing salaries of Rs. 1,000 and over, amounted to about 15½ crores, while the real revenue was about 6½ crores. Of this, only about 3 crores was received by 17,000 Indians, while the remaining 12½ crores went into the pockets of 20,000 Europeans and Europeans. That the lot of Indians has not improved materially since then is evident as my friend Pandit Hriday Nath Kuroor points out in his valuable pamphlet on the Public Services in India from the statistics published by the Government of India in 1912, which show that out of 3,300 posts to which monthly salaries of Rs. 500 and upwards were attached, no less than 23 per cent. were held by Europeans and Europeans.

"Long ago, Sir William Hunter pointed out, that the salaries paid in India are very high, that India cannot afford to pay at the high rates at which the services are remunerated at present. In his pamphlet 'England's Work in India' he wrote—

"The truth is that we have actually applied our own English ideas of what a good Government should do to an Asiatic country where the people pay not one-tenth per head of the English rate of taxation. I myself believe that if we are to give a really efficient administration to India, many services must be paid for at lower rates than those at present. For those rates are considered to be the higher because of the administration by the sort of officers brought from England. You cannot work with imported labour as cheaply as you can with native labour, and I regard the more extended employment of the natives not only as an act of justice but as a financial necessity.

The salaries of the civil service are regulated, not by the rates for local labour, but by the cost of imported officials. If we are to govern the Indian people efficiently and cheaply, we must govern them by means of themselves and pay for the administration at the market rates for native labour."

"You must recognize the fact that if you want to carry on the administration of India efficiently and cheaply, you must employ a larger number of Indians than have been employed hitherto. So that from the economic point of view it is extremely necessary that a larger number of Indians should be admitted into the Civil Service. Then, Sir, there is the advantage of administrative experience which can only be acquired if Indians are admitted into the higher ranks of the service. Mr. Dalhousie summed up the whole situation in his own inimitable manner in a few words. He pleaded for a beginning for self-government being made by the institution of simultaneous examinations in India and in England, and he urged that that beginning will be the key, the most effective remedy for the chief economic and social evils of the present system.

"A three-fold wrong is inflicted, and is,

"upon us, i.e., of depriving us of wealth, work and wisdom, of everything, in short, worth living for, and this beginning will begin to strike at the root of the trouble. The reform of the situation of the services from Europeans to Indians is the keynote of the whole."

"Of course Mr. Dalhousie did not mean that there should be an immediate or an early replacement of Europeans by Indians as a whole; what he urged was that a beginning should be made in order that Indians should be able to displace an increasingly large share in the higher services of their country."

"This, Sir, was the state of affairs before the war. What is the position of affairs now? The war, as Mr. Lloyd George has said, has changed things enormously; as one of the members of the Government has observed, centuries of progress have been effected by the war. Naturally in consequence of it, things have begun to be looked at from a changed angle of vision; and we have been looking forward that our plains, which are based on justice, based on right, claims which were solid and strong before the war and without any reference to the war, will now be regarded as much stronger by reason of the part which Indians have had the privilege of playing in this great world war. I would like to quote here a few remarks from a speech of the Marquis of Crewe. In his speech at the Guildhall in London he said—

"It is perhaps even more striking, certainly as less gratifying, that those representing the various races in India, men representing a civilisation of almost unold antiquity, men which have been remarkable in history, and the wisdom of Government, that they should in an unhesitating manner rally round the British Government, most of all round the King-Emperor at such a moment as this, and I am certain that the House will desire to express through those who are entitled to speak for it, its appreciation of their attitude and its recognition of the part they have played."

"And Lord Haldane said—

"Indian soldiers are fighting for the liberties of humanity as much as we ourselves. India has truly given her life and treasure in humanity's great cause; hence things cannot be left as they are. We have been thrown together in this mighty struggle and have been made to realize our relations, in producing relations between India and England which did not exist before."

"Now, Sir, in view of this momentous event, I submit the problem should be looked at in a much more sympathetic spirit than it has been hitherto. Our claim to have simultaneous examinations for admission into the Indian Civil Service held in India as well as in England, was quite strong before the war, and without reference to the war, but the attitude of India during the war has given added strength to that claim. His Majesty's Government have recently announced the goal of British policy in India. In that announcement we have been told that—

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of increasing the number of Indians in every branch of administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible Government in India as an integral part of the British Empire."

"His Excellency the Viceroy also in the memorable speech, to which it was our privilege to listen on the 24th of this month, told us that the increased association of Indians in the higher services was one of the matters which was close to his heart and to that of the Government."

"We shall have the statement of Mr. Montagu in the speech which he delivered a short time before he was appointed as Secretary of State, and which he reaffirmed after he had been appointed Secretary of State, in which he pointed out how necessary it is that the Government

of India should be radically altered. I will not take up the time of the Council by reading large extracts from that important speech, but I will draw attention to only one important passage in it, where he says—

"Your executive system in India has broken down because it is not constituted for the complicated duties of modern government. But you cannot reorganise the Executive Government of India, remodel the Viceroyalty, and give the Executive Government more freedom from the House of Commons and the Secretary of State unless you make it more responsible to the people of India."

"Now that is the position, that the Executive Government has to be made more responsible to the people of India. With the altered state of things which the war has brought about, the recognition of the citizenship of Indians and Europeans, in short, the recognition of the less contributions and the loyal services rendered during the war, and above all with a full recognition of the fact that the present system has undergone a trial and must be altered, so that the Government shall be made responsible to the people of India, we have a very serious task before us."

And I venture, Sir, that of all the questions relating to Constitutional reform there is none which is more important, which lies at the root of the problem, more than the question of instituting examinations for admission into the Civil Service simultaneously in India and in England."

"There is one other aspect of the question which I think I ought to ask the Council to bear in mind in this connection. Things have changed, they have changed greatly. The prayer for simple justice which we have given on opening, and, I say it with regret, repeating vainly for fifty years, cannot be disregarded. Indians feel that, in being excluded from the higher appointments of the services of their own country, they are being very unjustly dealt with. They feel that the peoples of many other countries have made and are making great progress in all directions, that in many of these the systems of Government have undergone a change to the great benefit of the people. They feel that a new life has come over Japan."

"In the last fifty years Japan has reorganised itself and has won a place amongst the foremost nations of the world. When they contrast the condition of Japan with what it was in the last fifty years, with the progress made in the condition of India during the last 60 years, since the Proclamation of 1858, they cannot help drawing inferences and making comments which are unfavourable to the present system of Government. Indians desire to see that they want to realise that in India, as subjects of His Majesty the King-Emperor George V and his successors, they are and they shall rise to the same height as their own country to which the Japanese have risen under the Mikado. They feel that other countries, even Asiatic countries, have been making great progress and they find a difference in the treatment given to the youth of this country. The British Government have established Colleges and Universities in our midst and have given us good education. We feel gratified for it. But the Governments of other countries have done one thing more, which the Government of this country has not done to the same extent. After having educated the youths of those countries, they have opened all the portals of higher service to those youths. In this country these higher portals have been previously closed against us, and, as has again and again been pointed out by several English writers, if you will not allow the advantages which ought to flow from the acquisition of higher knowledge to come to those who have received that knowledge, you will necessarily create dissatisfaction and discontent. Having regard therefore to the justice of our claim, to the anxiety of the circumstances and considerations which have come into existence because of this war, having regard to the circumstances of surrounding countries, and of the civilized world generally, the Government ought not to hesitate any longer in instituting simultaneous examinations for admission into the Indian Civil Service in India and in England."

The Hon'ble the VICE-PREMIER :—"I have to remind the Hon'ble. Pandit that he has already exceeded his time limit."

The Hon'ble Pandit MAHAR MOHAN MALAVIA :—"I am sorry, Sir, I was not conscious of it. The subject is one which touches the hearts of us all, and I hope you will kindly allow me just a few minutes more to bring my remarks to a close."

The Hon'ble the VICE-PREMIER :—"I hope the Hon'ble Pandit will be as brief as possible."

The Hon'ble Pandit MAHAR MOHAN MALAVIA :—"I was going to deal with the question of the character of Indians which has largely, it seems, influenced the decision of the majority of the Commission, but I will reserve it, if it should become necessary for me to do so, for my reply. But before concluding, Sir, I wish to make an earnest appeal to the Government to take up this question in an earnest spirit and to solve it. There ought to be no necessity for discussing it at any great length. We have got the authoritative opinion of the Parliamentary Commission of 1886, we have got the authority of the House of Commons of 1893, we have got the opinions of many gentlemen who appeared before the Public Services Commission in 1888, and of many more who appeared before the Royal Commission of 1912, in favour of simultaneous examinations. We remember that the Committee of 1893 pointed out that there could be no better way of honestly fulfilling the pledges which had been given, than by instituting such examinations. I wish also to make an appeal to my friends, the members of the Indian Civil Service. My friend the Hon'ble Mr. Sastri made an appeal to them yesterday. I wish, if I may, to support it. I would earnestly ask them to look at the question from the point of view that the honour of the English sovereign, the honour of the English Parliament, the honour of the English nation, is involved in the fulfilment of the pledges which have been given to us

during the last eighty years. Many of your own statesmen have said that those pledges have not been faithfully fulfilled. Lord Lytton once said that they had been made a dead letter and Lord Salisbury specially urged that there was no good in keeping up an hypocrite. But I am sure the documents containing the pledges will not be treated by the great English nation as a mere 'wisp of paper.' I am sure they realise that the honour of every Englishman, the honour of every Britisher, is involved in the honourable fulfilment of those pledges, and that those pledges can only be faithfully fulfilled by the holding of commissions for nomination into the Indian Civil Service simultaneously in England and in India. One of the members of the Government has appealed to the members of the Indian Civil Service to fulfil their duty with reference to this question. I feel that it lies with them more than with any other body of men to help us to realise what we believe to be our obligation. It is according to his book on *Imperialism* Mr. Bernard Houghton says:—

The Hon'ble the Vice-President:—"The Honourable Member must not read quotations at this point of his speech. He has already exceeded the time limit."

The Hon'ble Pandit MANOHARAN MALAVIA:—"I will take only a minute, Sir."

The Hon'ble the Vice-President:—"Very well, I will give you a minute more."

The Hon'ble Pandit MANOHARAN MALAVIA:—"Mr. Bernard Houghton says:—

"And the members of the Indian Civil Service, really the flower of the race,"

"I am sure this will gratify the hearts of my friends."

"and meet with praise, even when looking over the sceptre of supreme control they have wielded so long, that their domination in India has not been without its glories. To have replaced turbulence and disorder by peace, to have established seats of impartial justice, to have cast over the country a dense network of roads and railways—all these are achievements which will ever redound to the honour of themselves and of England. But perhaps the greatest of these, albeit an indirect one, which India has received at their hands has been the birth of a genuine spirit of patriotism. It is a patriotism which seeks its ideal, not in military glory or the aggrandisement of a king, but in the advancement of the people. Inspired by this spirit, and strong in the material benefits flowing from British rule, India now looks at the portal of democracy. Democracy has served its purpose. Though the Indian Civil Service was caused by angle from before, the inevitable defects of a home-made government must prevent their best intentions and make them foes to political progress."

Not all of them, I am sure, Sir.

"It must now stand aside, and, in the interest of this country it has served so long and so truly, make over the dominion to other hands. Not in dishonour, but in honour, proudly, as shipbuilders who deliver to seaward the completed ship, may they now yield up the direction of India. For it is the inherent defects of the system, which as body of men, however devoted, can remove, which render inevitable the change to a new policy. By a frank recognition of these defects the service can furnish a supreme instance alike of loyalty to the land of their adoption and of a true and self-denying statesmanship."

I sincerely hope, Sir, that my friends of the Indian Civil Service will approach this question before us in the spirit in which this appeal has been made to them by one of the former members of their Service, and I trust that, approaching it in that spirit, they will help us to obtain such a solution for which we ask of this very important problem which concerns our welfare."

The Hon'ble Mr. C. E. ARTHUR:—"I should like to get up at this early stage of the debate, not because I have anything useful to say before the Council, but to express my own disappointment with the speech of the Honourable member and to express a hope that perhaps other speakers may give us something more useful to hear in. The Honourable member has dealt with the subject generally; he has made a passionate appeal to us, members of the Indian Civil Service, to open an access to the service by having simultaneous examinations. He has not dealt with the practical difficulty. He said a few unpleasant things; he said some pleasant things. We all feel the easy difficulty: we feel the difficulty of our Indian friends and we also feel the practical difficulty of what they ask for. For the speech we have heard might better have been delivered at yesterday's resolution, and I do not think it has helped the question which is now before us. I understand that divergence with to hear the opinions of Hon'ble members; they wish to get help from them. We have to consider what the result of simultaneous examinations would be. I think it is generally admitted that the change is not to come too suddenly, and that for a time the preponderance of British officers will have to persist. Although we grant that there was objection to the proposal put forward yesterday that we should set by down rules as to a definite number of British officers to be maintained, at the same time, from conversations with Hon'ble Members, I think they all admit that the change must come slowly, that for a time the preponderance must persist. And a result possibly of simultaneous examinations might be that the constitution of Government will be altogether altered."

"There is no doubt about the ability of Indian here and it is quite possible that in the case of simultaneous examinations they might carry off a very large proportion of the appointments. It would seem from facts to be better to fix some proportion; test should be taken by Indians and that examinations for entry to as many appointments should be held in India. We wish, I think, to get ideas as to how this can be worked, to get some address of the practical difficulties. The question of appeal has to be considered. One of the arguments for admitting more Indians is that the present officers are too expensive. Well, I do not think you will get

British officers for less, and if any expense is to be saved it must be the pay of Indian officers. But, between the two services, the Indian and the British. That is one of the difficulties, I think, and one that I have not seen the solution of. Of course the same appointments may be open to Members of both services and in that way the services may be one and the same. But I take it if anything is to be saved the pay of the Indian recruited officers will have to be less than that of the British. I would again ask the Honorable Member to give us something useful in the way of suggestion. The time for these proposals is past. It has been decided that something has to be done and the duty is to know what."

The Hon'ble Mr. K. V. RAMASWAMI AYYANGAR:—"In this connection I should say that last year by this time one of my good friends Dr. S. Subramanyam Ayyar made an important pronouncement in a public meeting that the Civil Service Examination should be held exclusively in India. The other day when we had the notice of this resolution of Pandit I suggested to him that I had in contemplation a notice of amendment which would make the resolution mean that the Examinations should be held entirely in India. Even though by this step there is doing justice for Indians and there is more economy and efficiency for the Government, yet the honorable member asked me that we should wait to suggest the proposal in my intended amendment. On his advice, I did not come to the amendment. Now that the Government of England or India is only attempting at economy and efficiency of administration even at the sacrifice of the interests of the different nations I do not think it would be impossible for holding the examination of the Indian Civil Service exclusively in India."

"Whether it is exclusive examination in India or a simultaneous one, at least one examination should be held in India. The extreme poverty of India does not afford its sons to travel such a long amount on the journey to England and the costly maintenance there. The Hindus being fanatical of the Indians and the deep domestic attachment and kinship leading on characteristics retard all the Indians to go a long distance. Only very few persons will be willing to leave a long distance of their sons for even the Indian Colonial services. The climatic conditions of England do not entirely suit our health and habits. Further, rightly or wrongly, there is a suspicion to interfere Hindus from sea voyages and many of them are mostly very loyal to their empires. The first obstacle are over-ridden by a very few people and our object is only to remove obstacles and place open competition within the reaches of all the gifted sons of the land."

"Further, I know one instance, which would at once show to what extent Indians are subject to disappointments even after overcoming all obstacles and after taking all the risk, trouble and expense by going there for competing the test. The instance I refer to is a talented Indian, who having passed the Indian Civil Service examination was not taken into the service, because he could not give his home wife. If India had not got enough of its sons who are not worthy of the responsibility, confidence and ability, then it is another matter and we have no case at all. I can confidently say that the men who are in the Provincial services who had passed the old Provincial Civil Service have not very easily compete for the Indian Civil Service Examination. There was a case in Madras of one who having failed to secure a pass in the Provincial Civil Service, had the luck to go to England where he creditably succeeded in passing the Indian Civil Service Examination. The test, if accepted to be held in India, would attract the best men and would be doing justice to the sons of the soil. Especially, in times of war, when conditions are such that our progress becomes tremendously difficult, such a measure as holding an examination here would be very much urged upon. The Government would do well to take a lesson from the Industrial men of England, who instead of the out-of-date method of importing products from India and sending them back as various finished goods are now resorting to start their Industrial Mills in India itself."

The Hon'ble Sir WILLIAM VERNER:—"Sir, for reasons which I explained yesterday, the Government cannot accept this resolution. Indeed, I do not suppose that the Honorable Member seeks at this stage to do more than ventilate the subject, and he has done so. If I may say it with great ability. I say nothing more than that I do not share the Hon'ble Mr. Ayyar's opinion that he has not done so with very reasonable collection. Because I think we all understand and know that the subject of this resolution is one upon which Indians feel very strongly. I am sorry that some Honorable Members have not spoken in order that I might have had the advantage of hearing their suggestions before I had to speak myself; but in any case I can assure the Council that any arguments that are advanced will receive careful consideration."

"I do not propose, nor was it there be time for me, to enter into any prolonged discussion of the arguments for and against this resolution; but there are some salient points to which I think I ought to draw attention. The first is the suggestion that the Commission seek to exclude Indians from the Indian Civil Service."

The Hon'ble Pandit MANOH MANOH MALAVIYA:—"May I explain? I did not mean to say that the Commission seek to exclude Indians. I said the fact of the examination being held in England meant results in Indians being excluded to a large extent."

The Hon'ble Sir WILLIAM VERNER:—"I repeat that the suggestion the Honorable Member made was that Indians were being and were to be excluded from the service. Now this is really not so. The Commission propose that a percentage of the service should be recruited in India and the question which the Government have to consider is the best means in which the recruitment can be effected with due regard to securing the proper representation of different

stems of India and so as not to endanger the British character of the administration. These are the real points for decision. The Honorable Member also suggested that the adoption of his resolution would in some way lead to economy. But it has never been suggested, so far as I am aware, that Indians admitted into the Indian Civil Service either through simultaneous examinations or separate examinations should be paid different rates from Europeans. Turning again to the recommendations of the Commission I ask the Council to remember that there was only one dissentient member on this point, Mr. Justice Abhai Babu, and that all the other members including Sir Michael Chamberlain were opposed to the views of the Honorable Member on this question. The reasons which they give are, I think, worth quoting in this Council, possibly many Honorable Members are aware of them but some may not have read the report carefully. The Commission say—

"It was also suggested to us, though almost exclusively by the Indian witnesses, that there should be simultaneous examinations in England and India, conducted in both cases by the Civil Service Commissioners and with the same papers and a common, but embodying the results. Few, however, pushed this suggestion to its logical conclusion. Some, for example, expressly proposed a British minimum from the outset, while many, who are no necessity for imposing a minimum at the present juncture, admitted that a time might come when such would have to be established. In this way, quite apart from the practical difficulties which must attend any simultaneous system in totally different localities and in separate sessions, will be found the main reason for rejecting this precise scheme of the problem. For such an arrangement must either be accompanied by a hard proportion between Indians and Europeans or it must not, and in either case the results will be equally open to objection. In the former, the fundamental anomaly will be introduced, by which men, who pass lower in the examination, will be preferred on racial grounds to those who have passed higher. In the latter the maintenance of the British character of the administration will be made to depend on the chances of an examination."

"Now, I think it may be said that the case against simultaneous examinations is great because on the basis that the maintenance of English methods of Government in India necessitates a substantial proportion of Britishers in the service. Some members, I dare say, hold this to be incorrect; many more will hold it to be controversial, and I admit that it is controversial, and it was in fact one of the many difficulties which complicated the appointment of this Commission a Royal Commission, to investigate the subject. It is quite true that the last word has not been said on the Report of that Commission. But I think that the Honorable Member will recognize that recommendations arrived at after such careful inquiry are entitled to be treated with some respect, and it seems better to approach them in a liberal spirit rather than lightly to break them aside. I have not had time to examine the evidence at all; I have just glanced at portions very cursorily but even that has shown that not a few Indians whose opinions are entitled to respect hold that simultaneous examinations are undesirable. I can give the names of some of them if the Honorable Member wishes."

"The views of the Commission on the point are perhaps entitled to the greater respect because they are in complete accordance with the views of previous Commissions and also with the views of the Government of India and of the Secretary of State for many years. The issue discussed on the subject will, I think, be found in the Government of India despatch of 1893 from which I quoted yesterday. The conclusions of which were affirmed, as by the Secretary of State. There is time to cite the whole of the argument in the despatch, but I should like to quote one or two portions of the summary at the end. The Government say finally that so numerous of simultaneous examinations were necessary for the fulfilment of several pledges; and secondly that the practical difficulties in introducing a system of simultaneous examinations would be extremely serious. Now this is a point to which the present Commission also advert. I do not wish to dilate upon it, and it is not really of primary importance, but there are obvious difficulties in conducting simultaneous competitive examinations now and in different countries. Further, recent experience gives some color to the view that the leakage of information as to papers is not entirely negligible; but I do not want to press this point, because I think it is a minor one. The Government of India go on to say—

"It is concluded that in order to ensure the efficient administration of the country a minimum of British officials is indispensable, and such a minimum could not be maintained if simultaneous examinations were held."

"They go on to—

"Again competitive examinations in India would certainly have the effect of admitting a large number of competitors deficient in the qualifications necessary for the higher ranks of the service and whose attendance and energy would not be such as to command the confidence and good will of the officers for whose welfare they would be responsible. On the other hand it would exclude the most valuable and capable assistance which the Government could obtain from Indians in the Sikhs, Mohammedans and other races, accustomed to risk and possessing exceptional strength of character, but deficient in literary education."

"Mr. Shah will probably not admit that the Punjab is behind hand in education just as present, but I should like to pause and place before the Council figures which I have had collected as to the results of the Civil Service examinations from 1866 up to date. I have taken figures from 1866 because I believe in that year the age limit was changed. Here are the results. In all 34 Indians got into the Indian Civil Service in the period through the competitive examination held in England. Of these 25 were Hindus and I was a Mohammedan. The Princelings of Madras, Bombay and Bengal absorbed 26 out of these 34 places. The Punjab,

Burma, Coastal Provinces and Assam did not produce a single successful candidate during those years. I state these figures subject to correction, and I should be glad if any one will put me right if I am wrong because I have not had time to verify them carefully. Nor do I want to base too much upon them, because obviously the same results might not have followed if simultaneous examinations had been held. But the possibility of similar results existed on the other hand, but is entirely excluded, and I think the figures are the more significant when it is remembered that though Mohammedans and others freely resort to the United Kingdom for their education, many orthodox Hindus—and they would be very successful according to what my Hon'ble friend Mr. Agnew says—are at present unable to proceed to England for this purpose.

"In this connection I should like also to refer to certain figures which I have obtained from the Finance Department as to the results of competitive examinations for appointments in that department. The figures, I should explain, are not figures of open competitive examinations and their value is therefore diminished. The examinations are held among a number of nominated candidates. I do not therefore seek to base too much upon them, but I do ask the Council to consider them and I put them before the Members just as an illustration of what some of our difficulties are in this matter. Now, in the Finance Department the Government have admitted 24 candidates into service in the last two years. Of these ten were Mohammedans. The total number of Mohammedans is 14, the total number of non-Mohammedans Hindus is 6, and the total number of Mohammedans is again 1. Now, sir, as I said before I do not seek to do too much argument upon these figures. I merely put before the Council facts. It may be right, it may be desirable that the Government should be Government by Mohammedans. I am not offering an opinion on the point, but I put the facts before the Council that Mohammedans may judge for themselves. It is also a question for consideration, I think, whether the cases of the North-West Provinces of India would readily accept complete admission of these provinces by persons who, though possessed of the highest intelligence and great educational qualifications, were in their opinion, lacking in qualities which they regarded as essential.

"It is desirable, for instance, if the entire administration of the North-West Frontier Province could safely be entrusted to gentlemen of this class, indeed, I think myself that if I were a local resident I should be inclined in such a contingency to resign my property and interest in all other possible form. Secondly, as a province like Burma, it might be argued that if the whole of the Civil Service were filled with Indians the Burman would have a genuine grievance. I may observe that the general trend of the evidence in Burma was against the employment of Indians there at all. Now it may be argued that the whole of this assumes that the result of simultaneous examinations would be to destroy the British element in the service. I do not say that would be the result but I do say that it is one of the possibilities which the Government of India have to contemplate and this question becomes more important if the cumulative effect of the various resolutions proposed be considered. If those resolutions are accepted, the Civil Service is to be selected from all high office whether executive or judicial, and the recommendations of the Public Service Commission as to remedies for grievances relating to pay or pension are to be accepted, in other words the Service which has already lost much of its attractiveness, in the eyes of Englishmen, is to be rendered less attractive still, so that fewer candidates of the best class may be tempted to compete for it. At the same time simultaneous examinations are to be introduced so that the best young men out of 300 million people, some of very high intelligence, very well educated, may compete with the few English lads who would seek to enter the service under the new conditions. Now, I put it to the Council whether a possible effect, I do not say that it would be the effect, but whether a possible effect of this might not be the immediate introduction of the whole Service, if it did not lead to the whole service being filled by Indians from the South and West of India. I am not committing the Government of India to saying that this result would follow, I am not saying, nor do I wish to say for a moment, that for these reasons the Government of India are unwilling to accept the resolution, but I am putting before the Council considerations which show that this question is one of great gravity which can only be decided after consideration of various possibilities. I do not wish to press the point further, I seek merely to indicate some of the difficulties of the position. Firstly though I have already drawn attention to the point I wish again to point out that although the Commission reported the principle of simultaneous examinations, they at the same time made definite proposals to secure that Indians should receive an increased number of appointments in the Service. In such circumstances it cannot be said that they were bound or desirous to consider what our very just objection. The policy of the Government of India and the Secretary of State in this matter has also been explained in the debate yesterday and with that policy the Council is familiar. Nevertheless, I am afraid that for the reasons which I have already given, and without committing the Government in any way, to accept or reject this proposal, I cannot accept the resolution which has been moved by the Honourable Member."

The Hon'ble Mr. Secretary, Secretary:—"Sir, the Hon'ble Mr. Adair wishes us to tackle the proposed difficulties in the way of our adopting the resolution. What practical difficulties there are he has not indicated very shortly, but there was a solution in his short speech to one of the difficulties which I will attempt to tackle, with my own authority, but in the authority of eminent people, who have been examined by this very Government. I think one of the difficulties he alluded to was that which may be experienced in holding an examination in India identical with the one that is held in England. On that point I would refer him respectfully to the evidence tendered by Mr. Stanley Leach, the first Civil Service Commissioner in England. He stated that it was possible to hold such examinations here. Of course it would be necessary to

and returns with experience in the holding of examinations, he even suggested that in the event of the war case examinations, and where Indian subjects were concerned, he would not object to the appointment of Professors of Indian Colleges. Thus the other difficulty which Mr. Adams suggested was one to which the Honorable the Home Member has also refused, as considerable trouble, and that is the difficulty of obtaining a guarantee that a certain British minister would be maintained in the service. This would lead me to cover the ground generally given over yesterday, but I will try to be very short. The Commission objected immediately to the establishment of a proportion at all, and, looking at the Statute book, lawyers have held the opinion that to prescribe a minimum either on one side or the other is not lawful. That is not a point on which I am competent to say anything. But what have the Commission done themselves? They have proposed two examinations, one to be held in England and one in India and they have fixed a proportion, a proportion as the Indians say, but they strongly object to fixing one on the British side. They have set 25 per cent as the maximum of Indians that may be admitted into the Service.

"There is only one other point to which, at the risk of being somewhat tedious, I wish to refer because the Honorable the Home Member, useful as he was not to commit either himself or the Government of India, still indicated a considerable difficulty. He told us that if simultaneous examinations were held in India it would lead to the over-representation or to the exclusive representation of certain communities purely to the detriment of the other communities.

The Hon'ble Sir WILLIAM VERNER:—"I did not suggest that, I did suggest that whether this result would follow was one of the points which the Government would have to consider. I certainly said that, but if I said more than that, I do not intend it."

The Hon'ble Mr. SASTHURST SASTRI:—"I accept the commission, etc. But still there is a difficulty suggested and I am trying to deal with it. It is not a difficulty which the Honorable the Home Member has yet persuaded himself to believe. This difficulty will exist for ever. There are different communities in India, and so far as I am looking forward to the future, it is not possible to obtain a complete assimilation at all the communities that are so consciously considering themselves as distinct from one another. Thus it is proposed to postpone the fulfilment of the pledges and the grant of what we consider our due till this impossible end is attained? That seems to me to be the logical end of those who suggest the difficulty as one that will stand in the way of simultaneous examinations. Muhammadans, Sikhs and other people, it seems, would at once start up to demand if Mohammedan examinations were adopted. What are they doing today? Have they the representation in the higher branches of the service to which they are entitled and to which they will say they are entitled in future? They have not got that now. If the Government of India, I mean, if the authorities—I should not speak of the Government of India done in this connection—if the authorities make suitable provision for the representation of these communities those who advocate simultaneous examinations would be prepared to consider any proposals that might facilitate the object. The Commission themselves, while putting forward this difficulty, have not appeared in my opinion in their own position, that is to say, as judged by their recommendations, in which very considerable weight is this difficulty. On the contrary both they and the several witnesses who gave evidence before them have held clear line of distinction between this ancient service in India, the superior service in India, and all other services. While they consider that it would be a suitable object to keep it free in recruiting for the Provincial Civil Service and for the other services to see that all the communities receive adequate representation; they have considered, however, that in the Indian Civil Service, the highest in the land which was called upon to administer on the largest scale, it is not desirable to give this particular object, namely the representation of the different communities, the same importance. In their own recommendations they have fixed the number 9 as the limit of Indian representation. They have allowed 7 to be computed for in more or less an open competitive examination. Two however are to be retained under the patronage of the Secretary of State."

The Hon'ble Sir WILLIAM VERNER:—"May I also to say one word, sir. I think that the Honorable Member's remarks would be more relevant when the alternative resolution of my Honorable friend dealing with the question of proportion and numbers comes on?"

The Hon'ble the Vice-Chancellor:—"I understand that the Hon'ble Member's alternative resolution is only to be moved in the event of the present resolution being lost."

The Hon'ble Sir WILLIAM VERNER:—"I hope that he will withdraw it."

The Hon'ble Mr. SASTHURST SASTRI:—"Besides, sir, I am mentioning this only as giving a clear indication of the mind of the Commission themselves, as may be inferred from the recommendations, that this principle of adequate representation of all communities plays only a very small part. Therefore what I am saying is that the difficulty of having adequate representation for all communities in India, for all provinces and for all examinations also, should not deter us from adopting what might otherwise recommend itself as a suitable means of rendering justice to Indians."

"There is, sir, only one other point which remains for me to touch, and that is the question of the situation of the Civil Service for English youths. That is a point which would appear again and again in the course of our discussion. I think the Hon'ble Home Member was a little premature in alluding to it, and it is therefore part of my duty to refer to it. The situation of the Indian Civil Service for British youths, I can not of course in a position exactly

to judge, but they seem to me to be very great, and I am not one of those who think that they will at all be reduced greater. If, however, the approbation of the Hon'ble the Home Member or of those for whom he was far the nearest speaking,—apparently he was not speaking for himself at the time,—if those approbations should prove true, I am one of those who think that that is one of the difficulties that we shall have to face in the course of our upward progress, but in my opinion it is by no means the greatest difficulty that we shall have to face."

The Hon'ble Mr. M. A. Jinnah:—"Sir, the position that has been taken up by the Hon'ble the Home Member is one which, I must say, has not attracted me. The Hon'ble the Home Member has pointed out every possible argument that he could lay hold of against simultaneous representation. Having done that, he wound up by saying, very impulsively, very directly that the Government do not commit themselves in any way at all. Well if the Hon'ble the Home Member has taken the trouble to give all those difficulties,—I have no doubt that he as one of the Members of Executive Council will put all those difficulties before the Executive Council,—I have no doubt that in a certain extent he has given an indication of his own opinion. I would never have taken part in this debate, but since the Hon'ble the Home Member has invited the opinions of non-official members I would like to meet those difficulties. First of all, the Hon'ble Mr. Allman said that we never put forward reasons for simultaneous representation but he never put forward any argument at all except one which my Hon'ble friend Mr. Sarda has dealt with. Now, sir, I do not wish in any way to convey any idea of attacking the Civil Service community. The position is this. The people of India say 'you lay down any task you like, but give us equal opportunities.' Why should the people of India not have equal opportunities? Now, it has been said that the competitive test is the best possible test that we can think of and I propose, with the permission of the Council, to quote the words of Mr. Balfour which I had the honour of putting forward before the Public Service Commission. This is what Mr. Balfour says:—

"There can be no doubt for example that a man who can command in a severe competition must have great powers of work, great powers of concentration, great powers of mastering a subject, and great powers of reproducing his knowledge. The evidence of these mental powers is shown to decomposition by success and they are all of them of the utmost use in every walk of life and not least perhaps in that of the Indian Civilian."

Now the first difficulty which the Hon'ble Member puts forward is that it would certainly not maintain the preponderance of the British element. Now, sir, may I know why it is necessary to have a preponderance of the British element? Why? If, as we are accustomed, we are not going to have I hope for a very long time a bureaucracy that will be the masters of the people, but a bureaucracy that will be the servants of the people, and that is what we are aiming at, and if our hopes are realized in the reconstruction of the Government, we hope that the bureaucracy which under the present constitution are the masters and the rulers, will be the servants responsible to the people and under the control of the people. If that is to be realized, may I ask, know why there should be a substantial element of the British? We want a service, we want men who will serve us, who will discharge their duties efficiently and faithfully in the Government. I have always failed to understand this argument.

The Hon'ble Member said well, now, supposing you have to send men to the North-Western Frontier, what will be the position? If you have a Brahmin he may be very efficient as a literary man, full of knowledge. In other words he is a clerk, a Brahmin, if he got into the Civil Service, would be nothing but a clerk, and would not be a man possessing ready qualifications.

The Hon'ble Mr. William Viceroy:—"Indeed, I said nothing of the kind."

The Hon'ble Mr. M. A. Jinnah:—"May I know what the Hon'ble Member meant. Why should not a Brahmin who has passed the test laid down, say test you like, educational, physical or otherwise,—why should not a Brahmin who has passed that test be put in charge of any province or any district, will the Hon'ble Member explain that? What will happen to the North-Western Frontier if he goes there? The Hon'ble Member says 'Oh! the man with any property, if he was living there would at once convert his property into a possible state.' If the Hon'ble Member is so much afraid of a Brahmin he may be sure the masters of the North-Western Frontier will also shun his entry. But sir, I go further, how are these provinces now managed by the Civil Service? We know perfectly well, sir, that in those provinces the people are more or less not divided, people who do not obey the law in the same way as the civil and parts do. We know for instance officers have been sent, military officers have been getting those provinces, even the Punjab was a non-regulated Province for a very long time and such such provinces are one of that character men always be managed by other officers who would be able to present the masters of those provinces from turning their property into a possible state."

"I have mentioned the two arguments, namely, misrepresentation and the question of positions such as Revenue and the North-West Frontier. The other argument was that we have got in this country different classes of people such as the Mohammedans, Hindus, Parsis, Sikhs and so on, and the Hon'ble Member quoted certain figures with regard to concentrations in the Finance Department as I understood and with regard to the Civil Service concentrations that have been held in London. Well, now, sir, on this point my answer is this. A man like the late Mr. Dadabhai Nauroji who represents the Parsi community, a man like the late Mr. Gokhale who represents the Hindus, and Sir Sir Pherozshah Mehta who represents the Parsis and men like His Highness the Aga Khan who, as we all know, carried enormous weight with Mohammedans,

they all pass their evidence before this very Commission, relying upon the Commission that they would make suitable recommendations. Now, sir, are the opinions of such men not to be taken into consideration? Did they not know the interests of their own communities? The Hon'ble Member has given figures; he says the result would be that probably the Mohammedans would not get their proper share. Well, sir, I can tell you that the Mohammedans are today in a much better position than, perhaps, the Hon'ble Member knows and are quite prepared to compete with the Hindu brethren, and therefore there need to be no anxiety of any kind whatsoever on the part of Government for the Mohammedans. I grant that we are backward to a certain extent, I grant that there is a larger number of Hindus in this country than Mohammedans, but assuming that a larger number of Hindus do get into the Civil Service will that be more objectionable to the Mohammedans than the larger element of the Europeans should get in? I want to be frank, I do not want to give any offence, but why should it be any more objectionable to the Mohammedans if the Hindus are more than the Europeans are more? Therefore I say that is an argument which I submit has no place here. What we want now, is this, we want an efficient service. Let it be open to competition to any one, to Europeans, Hindus and Mohammedans, Parsis, etc., and the strictest go in—the universal of the State should be the rule for recruiting the highest service.

"Then I give you what my objections are at the present moment to the Civil Service examinations being held in London only. Sir, we know perfectly well, and I can tell you this, that the Indian element which you get now by this door, which is a door which really more obstructs the Indians from getting in because you put so many difficulties in the way, a man has got to go to London, a man has to get money, a man has to take the chance and the risk of working for years and at the end of 5 or 6 years, if he fails in the Civil Service he is good for nothing."

The Hon'ble Sir WILLIAM TUCKER:—"I always understood he went to the Bar."

The Hon'ble Mr. M. A. JUNG:—"No, the Hon'ble Member is very much mistaken. If he cannot get into the Civil Service he will be much less able to get on at the Bar. However that is beside the point. Therefore you expect people to go to London all the way taking all those risks and then at the end find themselves, if failure, with nothing to do. On the other hand if you had simultaneous examinations in this country you would find better men, better talents will have an opportunity of competing and you will get better way, I venture to say, better men will get in, if you had examinations here in India as well as London. Therefore, sir, I strongly object to the present system of recruiting for the Civil Service, and I say that it is because of my thinking man that, while theoretically the Civil Service examination is open to the sons of India, practically every possible difficulty is put in their way and the result of that is that you find (I believe I am right) that out of 1,200 students holding success posts in this country, today there are no more than 60 or 70 Indians. Well, that is the state of things, that although in theory it is open to His Majesty's subjects in India to compete for the Civil Service, in all practical purposes the door is really closed.

"Now we say open that door properly and let there be honest equal competition. Let the best talent of India compete for it. Let every best man, and then, whoever is the fittest should get into that service. I do not see any reason against it on any objection to or any answer to that proposal. Therefore, I would ask the Hon'ble member to direct the Council on this resolution and let us record our most emphatic opinion on this resolution, by our vote."

The Hon'ble Khan Bahadur MUHAMMAD SHAIKH:—"Sir, I am in entire agreement with the Hon'ble the Hindu Member when he says that any kind of the Hon'ble Pandit Madan Mohan Malaviya placed his case before the Council with extreme moderation. With much of what fell from the lips of the Hon'ble Pandit I am in entire accord. I agree with him that a state of things in which, for the Indian Civil Service, an examination is held in England and in England alone is in the highest degree unsatisfactory. I am further in entire agreement with him that, when we examine the figures and find that only 10 per cent of the appointments in the Indian Civil Service are held by the people of this country, it is a state of things, the answer put to me to the better. But when we closely examine the speech delivered by my Hon'ble friend, it is directed to establishing the necessity of an examination being held in this country. The Civil Service Commission also have recommended that an examination should be held in India, and the real point for discussion, it seems to me, was whether that examination should be simultaneous, as advocated in this resolution, or should partake of the nature of the examination, which is suggested by the Public Service Commission. That was the point issue before the Council, and I venture to submit that, as regards that issue my Hon'ble and learned friend the Pandit has said nothing in his very able and laudable speech.

"The difficulties which, according to the Public Service Commission—I do not say I endorse all that has been said in that committee by the majority of the Commission—stood in the way of a simultaneous Indian Civil Service examination being introduced in this country have been cited by them in their report. My Hon'ble and learned friend in his speech did not deal with any of those difficulties. The scheme put forward by the Commission of the kind of examination which they advocate is supported by those in their report by certain arguments and certain considerations which they have examined. My Hon'ble and learned friend has not examined those considerations and those arguments. I entirely agree with him that the examination for the Indian Civil Service to be held in India should be of the nature of a competitive examination so that the best intellect of the country may have the chance of competing for the appointments held by the Indian Civil Service. I also agree with him that it should be

simultaneous in this sense that the same subjects should be the subjects of examination here as India as are the subjects of examination in England, and the same papers should be set to the examinees in this country as are set to the examinees in England, so that, there should be set the slightest difference whatsoever in the standard of the two examinations. But where I differ from him is this, I am not in favour of the examination in India being an open competitive examination in the sense contemplated by Mr. Macleod's resolution. It seems to me that in a country like India the best talent of every province and of every community should have a fair chance of competing for the Indian Civil Service appointments. That is the main total of the argument which it seems to me lies at the root of the recommendation made by the Public Service Commission, and I think that is a consideration which is well worthy of consideration by Hon'ble Members. As I said just now I do not want any favour for any community or for any province whatever, but I want that the best talents of every province and of every community should have a fair chance of competing for the Indian Civil Service appointments.

"So far as what fell from the lip of the Hon'ble the Home Member is concerned that possibly the people of the Punjab or of the North-West Frontier Province would not like to have for their Colleagues gentlemen from Madras or from Bengal, all I would like to say is this, that I do not for a moment share this apprehension nor do I agree with the view which he has expressed in this connection. I think that every fair chance is given to the people of the North-West Frontier or to the people of the Punjab for competing in this examination, after that the best men, the best Indians, no matter whether he be a Punjabi, whether he be a Bombay man or a Madras man, would be welcome to Indians of every province and of every class. What I want to see secured is that the Mohammedans, the Sikhs and the Hindus of every province should have a fair chance, and that is possible only if a combined system of selection and competition, such as is recommended by the Public Service Commission, is adopted.

"Personally I do not agree with the majority report in the Public Service Commission that only 25 per cent of the total number of what are called higher appointments in the Indian Civil Service should be reserved for Indians in this country. I think there was absolutely no reason why 25 per cent only of the higher appointments should have been so reserved and why a certain fixed proportion of the entire number of appointments held by the Indian Civil Service should not be reserved for Indians in this country. Moreover, I think that 25 is too small a percentage and will not meet the requirements of the situation. When I gave evidence before the Royal Commission on the Public Services on behalf of the Punjab Muslim League, we claimed that 40 per cent of the total number of appointments held by the Indian Civil Service should be reserved for being filled up in this country, and I still adhere to that view. It seems to me that the real point has been raised by the adoption of this first resolution. If they had given as their argument against the combined system of selection and competition and in favour of the simultaneous Civil Service examination we should have been in a position to judge of the relative merits of the two plans. Personally as I have said, I am entirely in favour of the system suggested by the Public Service Commission, but am not satisfied with the proposal that only 25 per cent of the appointments in the higher range of the Civil Service holder be filled up in this country. I would like to see at least forty per cent of the appointments filled up in this country.

"With these few words, I regret, I am unable to support the resolution as yet forward by my Hon'ble friend."

The Hon'ble Dr. YU. BHAGWAT SARKAR :—"I must begin, Sir, by congratulating the Hon'ble the Home Member upon the frank recognition that he has been pleased to give to the strength of Indian feeling upon this question, but having congratulated him on that part of his speech I must part company with him. The Hon'ble the Home Member referred to the report of the Royal Commission in the course of his speech. I think he is certainly entitled to refer to it and to rely upon it; but at the same time I think it is necessary that a word of warning should, on behalf of the Indian community, be uttered against the much reliance being placed upon that report. It will be within the recollection of the Hon'ble Members of this Council that when the appointment of this Commission was announced a great deal of dissatisfaction was expressed in this country with its constitution. I make no allusion upon the basis of those gentlemen who were members of that Commission, but it is only true to say that the feeling was not adequately represented on that Commission. There was no doubt our grand old returned leader, Mr. Gokhale, on that Commission. There was also Mr. Justice Arifur Rahman, whose politics at that time were unknown to the country and who fortunately for us has given expression to our sentiments as no other man in the country could have done. There was no doubt Mr. Chakrabarti also, but so far as Mr. Chakrabarti is concerned, I will say with the utmost possible respect for him that he never belonged to the progressive party in India. Having said that much, I must invite the attention of the Council to one other important circumstance with regard to that report, and it is this. The Commission was appointed before the War and the report was written at a time when there was some talk of a change in the shape of which when that the reorganisation had not taken place. Sir, it is important to bear in mind that the report of the Commission has not applied to the Indian community at large, and I think it is a great mistake to suppose that we Indians are going to be satisfied with the recommendation that nine persons should every year be selected for the Civil Service in India. Sir, in the current arrangements which was made in the House of Commons by Mr. Montagu it was said that it was the policy of British Rule in India that there should be an increasing association of Indians

in the administration of the country. That being so, I fail to see how that subject can be observed with any degree of success if we except the recommendation of the Public Services Commission. Of the nine men who are recommended by the Public Services Commission to be taken from India, seven are to enter the Indian Civil Service by the open door of competition while two are to enter it by a back door, and it is quite obvious that the men who enter by the back door can never occupy the same position as the men who enter the service by the open door. Now, sir, I may frankly say that Indian opinion will never reconcile itself to a position like this.

"I will now refer to some of the objections that were pointed out by the Hon'ble Home Member. He expressed his solicitude for the proper and adequate representation of all classes in India. I do not take exception to that solicitude; but what really are the facts? I will show by illustration that there is no basis for these apprehensions to which he gave expression in the course of his speech. He said there are so many Indians that they are likely to preponderate in any particular province and that gentlemen from the west or from the south may find a particular province. Now let us take the province from which I come. You find from the last Civil List that the Civil Service Centre there consists of 333 men. Of these 332, 15 are Indians, and of these 15 there are only 4 men whom you could describe as genuine United Provinces men. Bombay has been very kind to us. It has supplied to us half a dozen men in the Indian Civil Service. Similarly there are two gentlemen from Bengal, and one or two from other parts of the country. But I am aware you that none of us in the United Provinces has ever felt our self-respect lowered because the majority of the Indians in the Indian Civil Service there come from other parts of India. We have got on with them splendidly. We are proud of them and we look upon them as if they were really one of our provinces.

"It has been said that may be so, but what about the North-West Frontier Province? May I with all respect ask whether the experiment has ever been tried there? Have you ever sent an Indian there, and has the population there refused to be governed by an Indian member of the Indian Civil Service? I submit, Sir, that the objection that has been raised is merely theoretical; it has not yet been proved by real experiment. Sir, objections of this nature, based upon such representation, are, to my mind, absolutely out of date. You must take stock of the new facts which are coming into existence in India. Then, with regard to the Mohammedan community, as it has been said the Mohammedans somewhere might not be sufficiently represented in the Indian Civil Service if the reservation be held in India. I apprehend no such danger. As one who has been directly connected for many years past with the Aligarh University I am prepared to affirm that in my opinion the Mohammedan studentship and graduates who come up there for various examinations are not inferior to the Hindus under any respect whatsoever. If we can boast of a distinguished Hindu scholar like Dr. Gopal Krishna, we can also boast of a distinguished Mohammedan scholar like Dr. Khwaja-i-Din. If Mohammedans are not so well represented in the Indian Civil Service as their abilities, capacity and character entitle them to be, we have got to go to other means, and the main reason is their poverty. How many Mohammedans are there in Bengal, in the Punjab or any other province who can afford the luxury of sending their sons to England on the education of their sons? These are certainly some Hindus who can afford to bear that risk. I submit, Sir, that you must be conscious made of the Mohammedan opposition. But here perhaps I may be permitted to remind this Council that it is a misconception which was recently advanced by some members of the United Provinces Council and such distinguished members of the Mohammedan community to the Hon'ble the Raja of Jhansi, and the Hon'ble Nawab Abdul Majid, supporting the recommendation about Mohammedan reservations in India."

The Hon'ble Sir WILLIAM VERNER:—"Did the Hon'ble Member say Nawab Abdul Majid?"

The Hon'ble Dr. TAR BANARAS SARKAR:—"Yes."

The Hon'ble Sir WILLIAM VERNER:—"It is clear, however, that he was in favour of Mohammedan reservations?"

The Hon'ble Dr. TAR BANARAS SARKAR:—"Yes, that is correct. He wrote a note of dissent but not on this point."

The Hon'ble Sir WILLIAM VERNER:—"But did not this gentleman tell the Commission he was not in favour of Mohammedan reservations?"

The Hon'ble Dr. TAR BANARAS SARKAR:—"I am speaking, Sir, of the circumstances which was submitted to the Local Government very recently, I believe, in May last. People do change their opinions and it is a tribute to the strength of our cause that now do so. Well, for the matter of that, I find my friend the Hon'ble Mr. Shah supporting our argument today."

The Hon'ble KHAN BAKSHAR MIAN MUHAMMAD SHAH:—"My learned friend should remember that I have today expressed the same view that I expressed before the Royal Commission."

The Hon'ble Dr. TAR BANARAS SARKAR:—"I am glad, Sir, to be corrected on that point. Therefore, I submit this body of Mohammedans having been indisposed to absolutely unrepresented. When you find Mohammedans of position and means who ought to know their own interests supporting this I submit the time has come when opponents of the character, which are really unrepresentative, should be accordingly discarded. The fact of the matter, Sir, is that the whole system is patently unsatisfactory. To not Indians that they should send their

boys six thousand miles away to compete with Englishmen is order that they may come back and serve their own country as ably as our own; and if all this talk about the lowering condition of Indians in the higher administration has any element of sincerity, as I hope it has, then, sir, the only reasonable thing that you can do is to get over these prejudices and not take shelter behind arguments which cannot stand any scrutiny now, and to open the door to us through which we wish to enter into the highest portals of education. On these grounds, sir, I beg to support strongly the resolution moved by my Hon'ble friend."

The Hon'ble Sir DORRIS WATKINS.—"Sir, I am sorry to say that the arguments urged against the resolution brought forward by my friend the Hon'ble Mr. Molony do not convince me. As far as the difficulties are concerned, I have heard of those difficulties before in almost all official arguments brought against simultaneous examinations; those arguments are very old and they are being trotted out every time. I am told this time also they have been trotted out by the House Member. I remember reading these things thirty years ago when the House of Commons passed a resolution (in 1842) in favour of simultaneous examinations, and the Government of India issued a blue book in which all these arguments, which are now being trotted out, were repeated. So far, then, they are all stock arguments which are dropped in every time in order to oppose the very simple and just resolution which has been brought forward today. Now, as to the difficulties, what are they? The House Member says there are difficulties in the matter of holding examinations both in England and in India at the same time. How far the conducting of an examination in England and in India is a terrible, a terrible thing I do not know. The same questions might be asked in England as are asked here. No, there is nothing in that respecting. I may say, sir, that the local Cambridge examinations, Junior and Senior, are simultaneous examinations; questions are, of course, put on the same day in England and in the different centres in India, in Madras, Calcutta, Bombay and elsewhere; the centres are all sent to London where they are, of course, corrected and our list is made out in which the results are declared. Where is the difficulty in the case of the Civil Service Examinations? I do not see any difficulty that the Civil Service Examinations can be held as these examinations are conducted. Even with regard to the new part of these examinations, surely, there are more than one or two Civil Service Examinations; one of them can always be dropped when the examination takes place in some out land and conduct the new examination on the same day that the London candidates are examined there. Where is the difficulty? I do not see any at all. Sir, it is the case, then, when there is a selfish interest to be preserved and a reserved difficulty always arises and barriers are thrown across the path and then this is one of the sad barriers which the Hon'ble House Member has brought forward today."

The Hon'ble Sir WILLIAM YESSIER.—"I fully must rise to a point of order. I was only quoting the arguments which had been advanced against the proposal; I did not pretend to put forward arguments of my own. I think that it is better to suggest anything else."

The Hon'ble Sir DORRIS WATKINS.—"That may be; the arguments in general are the arguments of the Civil Service."

The Hon'ble Sir WILLIAM YESSIER.—"The Hon'ble Member may say that they are the arguments of the Civil Service, but he has no right to fetter them so much."

The Hon'ble Sir DORRIS WATKINS.—"The Hon'ble Member is a member of the Civil Service, and I consider that he is here as House Member and as a member of the service which governs India."

"Well, sir, as to the other arguments. In former days, when the Congress was held, we were told that it was a Hindu Congress and that the Mahomedans did not join in it. Of course, when there is a difference of opinion, how can we agree in all the propositions put by a Hindu Congress? So we were not unduly surprised by the Government. But the Hindus and Mahomedans are united. There is unanimity of thought, speech and mind between both communities. Government now trot out the question of Brahmins and non-Brahmins. That is the usual way with the Government, and there is nothing particular about it. I understand it to be insignificant enough. But what if there are Brahmins and non-Brahmins? There is the Charter Act which lays down clearly that 'proved merit and ability' shall be the only qualifications for the public service. One may be a Brahmin, or a non-Brahmin, or an Australian, or a Canadian, or a Negro or a Hindoo, what about that? So far as the service is concerned we are to have the best men for the Indian Government. There is nothing further to be said about it. Take the case of the Civil Service in England. Is there any distinction made between the Welsh, Scotch, English, Irish, and so on. There are men of all races and descents. Take the Austrian Government, does the House Member mean to say that some of the representatives of the different communities and more there hold very high appointments or are appointed governors or posted to high offices? Did the Austrian Government complain that there was a Magyar or a Slav or a Czech or some one of that sort in its public service? There is that difficulty; but what does it matter? Why then should we have any more difficulty here with Brahmin preferences or Mahomedan preferences or Hindoo preferences or any other? The Charter Act is clear on the point; it says 'men of proved merit and ability' shall only be employed in the public service. There is a laid down that there shall be no 'governing caste' in India. Where is the governing caste? The governing caste is the Civil Service; they are the governing caste, and yet the Brahmins are mentioned. I cannot at all, sir, understand that argument. Therefore, so far as the two principal arguments urged by the House Member are

concerned, they do not, I am sorry to say, hold water at all. Then, look at the other side. There is what you call a lot of "progressive dissenters." It is not one dissent but there are two, perhaps more; and is this lot of present dissenters, such as you examine after holds the first place? And why? Because it is the oldest dissent against which for more than fifty years, from 1860 onwards, the people have been crying and crying. Times after time it has been brought before Parliament and still nothing has been done. And up to this time not a single strong argument has been brought forward against it. All the arguments that have been brought forward by Government here or by the Secretary of State before Parliament are those questions and fallacious arguments only. That is the position; and yet after fifty years of education, after centuries have been established and thousands after thousands of students have passed through them, after being told that India is rapidly progressing in educational matters and in moral and material conditions, you say "Oh, dissenters! examinations shall not be held." As my friend, Mr. Russell, put it well, "why should there be any examination at all in England? The examination is for service in India, of that is the case what does it matter whether it is held in India and in England alike? It is the old story of the Senate and the Norwiche. I will not use any strong words as to how the Senate felt when the Norwiche got opportunities and how they chafed under their disabilities. I wish the House Members and all the other Members of the Civil Service will put themselves in the category of the Senate and be in the category of Norwiche and see how they would feel and how they would like to be governed by them. I say to the Civil Service, enter into our shoes, into the shoes of an Indian, and find out what the Indian feeling and sentiment is. The answer, so far as India is concerned, is 'the service is Indian and the examination must be confined to India alone.' Let Australia, Canada, Ireland come. Let them all come. We welcome them but, of course, those who have shown the best merit and ability should also be employed. But at present there are all the artificial barriers of the bureaucracy and it is for those reasons that simultaneous examinations are opposed by the service. With those words I support the Resolution."

The Hon'ble Mr. Bhabhai B. N. Sarna. — Sir, having regard to the original principle on which the Government has been proceeding in the matter of recruiting for the Civil Service, I quite agree with the Hon'ble the House Member that there are difficulties which have to be faced by the holding of simultaneous examinations in India and in England. I shall now repeat my arguments and in the debate yesterday in regard to the proposition of Britishers. It is a point that there is a danger, an immediate danger and one which will face Government in the not distant future that the proposition or inequality will disappear if simultaneous examinations are held in India and England. What does the argument come to? It comes to this, that, as things stand, India must agree to be governed by inferior Britishers, because in competitive examinations, more Indians than Europeans will succeed. If that be the result then certainly we Indians ought to prefer to be governed by superior Indians rather than by inferior Britishers. I for one believe firmly that for a very long time to come such a change will not be possible having regard to the backward progress in education which has been made by Englishmen and the comparative poverty in educational institutions in India and that therefore the danger is not a practical danger. If a minimum is to be set I think it would be more frank and would give greater satisfaction to the people to do so than to run simultaneous examinations. A difference in status among the members of the Indian Civil Service and a consideration on the parts of some that they have entered the service by a more difficult door and under a stiffer examination are equally to be avoided and prevented again. The association in India which has been suggested by the Public Service Commission is an examination somewhat different from that in England they recognize it and they get over the difficulty by saying that the order of merit and rank will be arranged according to the total number of marks which successful candidates in India, and in Great Britain may secure at the final examination that is to be held during the probationary period. Englishmen and Indians alike have a right to say 'in general of policy Government are obliged to add the marks and in the order of seniority; we have come in under a sterner examination and are consequently superior to you'. Simultaneous examinations would avoid the difficulty and the anomaly of Britishers securing fewer marks being preferred to Indians who get a larger number, in order that the minimum British element may be kept. If in a way of escape that is wanted, there is a way out of the difficulty. It may be said that candidates from England take up Latin and the modern languages of Europe in preference to Sanskrit, Arabic and other languages, these are optional no doubt but Indian candidates would take the latter group rather than Latin and Greek and in that extent the examinations are different and therefore the British candidate who scores fewer marks is not necessarily inferior. I think the Government should not press this difficulty against holding simultaneous examinations. There would be handicapping if a man who got more marks is passed over for a man who got fewer marks but the handicapping would be nothing compared to the present where the door is practically completely shut against us. I may point out to the Government that the feeling during recent years against the Government attitude in the matter has been so strong that there is a section of our community which is feeling that examinations should be held only in India. It is not my task to say that this is a reasonable attitude nor is it necessary to express an opinion on it, but we must take note of the feeling which is due to the one particular attitude taken on the subject. The second objection taken by the Public Service Commission namely that there are difficulties

in the examinations being held in two continents, has been met by previous speeches. Mr. Stanley has been pointed out that there was considerable difficulty but that on the whole he did not think there was an insuperable difficulty.

The Hon'ble Sir William Venney.—The question was put to Mr. Stanley Lambton.

I understood that the Civil Service Commissioners on the present true think it would be wholly impracticable to conduct simultaneous examinations in England and in India.

The answer was—

Yes.

The Hon'ble Mr. Dalhousie B. N. BAKER.—That was what I was alluding to but it would not be an insuperable difficulty to have another examination; it would not be difficult to send examiners to India; and new examinations might also be held. The third objection taken by the Commissioners is that simultaneous examinations would be bad for Indian education. That we would raise a scale among Indians. The whole of educated opinion in England was dead against the lowering of the age, on the ground, that university education would be adversely affected—the Public Service Commissioners were not solutions about the higher education of Britons but are very anxious that the holding of simultaneous examination in India might psychologically affect Indian education.

So, I think that if the examinations are held here, our educational institutions will be improved considerably, there will be a greater stimulus for more reasons than one for the advancement of higher education, and therefore, far from there being any danger to the quality of Indian education there will be a rapid advance and progress in the quality of Indian education. Well, what was the reason that was suggested? It was said that though the subjects were the same, the groups taken were somewhat different. But if we turn to the curriculum we shall find that apart from Latin, French and modern languages there is not the slightest difference between the other subjects or the grouping either under the old curriculum or under the curriculum suggested in India and in England; and, if any argument can be adduced in favour of holding the examinations in this country, I should think that in Indian interests, for Indian purposes, it would be far better to have a man who studied in British literature and thought is acquainted with the eastern literature, and is educated in the best of eastern thought, rather than one who has read only the Greek and Latin authors. Of course, there is a wide difference of opinion on that subject, but so far as the Indians are concerned, we would certainly prefer one who has been trained in the eastern thought, in Sanskrit, Arabic and Persian, rather than one who has been trained in Greek and Latin alone. Well, say, there is not much in that third argument that was taken up by the Public Service Commissioners that the system of holding examinations in India is bad for Indian education.

Now, sir, an argument has been advanced here that certain sections of the Indian community would protest if the simultaneous examinations were held here. I quote from page 940 of the Public Service Commission's Report. This is the opinion of Mr. Justice Abner Lubbock.

His Highness the Aga Khan joined his weighty voice with that of the leaders of the Congress in denouncing simultaneous examinations for the Indian Civil Service and the representation of the Sikh Khalsa and the Pathans of the Punjab, the Moslem League along with the spokesman of the communities more advanced in western education, were concerned in entering their emphatic protest against the suggestion that the presence of Indians in the higher official ranks would be detrimental to the people themselves, and specially in a position as a community other than that of the Indian official.

Now with regard to the much misrepresented Brahmins, may I say a word, sir? I do not mean to state that the Brahmins have any superior qualities which the other communities inhabiting this country do not possess. But I venture to say that ancient history shows that the Brahmins ruled over the North-West Frontier and a portion of Afghanistan, the ancient Gandhara country, that it was the Maratha Brahmins who held sway over practically the whole of India before the British came to this country, that the ancient warriors of Hindustan who had armies were Brahmins, that the Rajahs of the Punjab and the United Provinces are found in large numbers in the ranks of Hindustani, and recently in India more Brahmins volunteered for the Indian Defence Force than people belonging to any other community, and I am certain that the Brahmin community in India, which is 14 millions strong, has got the nerve, the capacity, and the brain power to hold its own against any other race in India or elsewhere, and I feel that the Honourable the Home Member need not think seriously of whipping up the passions if the Brahmins were to raise. May I also ask whether the Britishmen protected the Germans or the French or any other nation in the swiftest days to other causes of the mobility; and the higher middle classes and the nobility ruled practically the whole of England for centuries and perhaps do so even now. I therefore think this argument of using certain communities against one another is one which I think had better be dropped in western States.

The Hon'ble Mr. E. H. G. WATSON.—Sir, I do not intend to express any view of my own on this question. But I wish to refer to certain remarks and arguments in the speech of the Hon'ble Sir Denham Woods.

The Hon'ble the Home Member has stated certain difficulties with regard to the proposal to adopt simultaneous examinations in England and in India, which will have to be considered before a conclusion on the point can be arrived at. The Hon'ble Sir Denham Woods has

referred to them as old stock arguments which were brought forward against this proposal thirty years ago, and on other occasions since when the proposal has come up for consideration, and says that they have all been answered again and again, and are now, according to his own expression "being trotted out again". And he argues that this shows that they are of no value.

"The Hon'ble Member's argument, however, entirely overlooks the fact that the proposal has, on full consideration, not been adopted on the previous occasions, and it therefore follows that the arguments which were then advanced against it, were held to be substantial. The fact therefore that the difficulties which have been referred to by the Hon'ble the House Member, were then also pointed out and considered, so far from in any way lessening their force and value considerably adds to it.

"Had these difficulties and objections not then been pointed out and considered, their present value would be very much affected, and they would be open, to the very obvious and reasonable criticism that these difficulties were not found to exist when the matter has been previously considered, and must therefore be groundless as regards the same proposal of the present occasion.

"As the Hon'ble the House Member has said, that the Government of India will consider this question, and the other questions arising out of the recommendations of the report of the Public Service Commission after taking the opinions of the Local Governments and also of the Public outside this Council, it is, I think, necessary to ensure the entirely unanswered fact, which may be predicated by the speech of the Hon'ble Sir Denham Wacha that the difficulties now mentioned are any the less real and material because they have been previously put forward and have been found to be substantial. That very fact on the other hand is essential to them, and adds to their present force."

The Hon'ble the Raja Sir MANSUWAR AIR MOHAMMAD KHAN, Khan Bahadar of Moharwalah.—Sir, I give my entire support to the resolution which has been moved by my Hon'ble friend Pandit Mahajan. I am sorry to find that the argument of the Hindu-Mahomedan controversy should have been advanced from the Government side. This is a worn out argument, and we are not prepared to accept this argument against a resolution for simultaneous examinations. Sir, the All-India Muslim League has already supported the introduction of simultaneous examinations through its Honorary Secretary who gave evidence before the Royal Commission. I am therefore in a position to make this statement on behalf of the All-India Muslim League that the Muslim League and the Muslim community support entirely the proposal for simultaneous examinations."

The Hon'ble Mr. P. J. MANANWAR.—"Sir, I am tempted to say just a few words merely because the Hon'ble Sir Denham Wacha in the course of his speech I think attributed a certain set of views on this subject to the whole of the Civil Service. We have heard today arguments for and against the system of simultaneous examinations in India and England, rather strong arguments against it, arguments against the present system of an examination held exclusively in London, various arguments in favour of an examination held exclusively in India and against that also possibly. I think certain arguments might be advanced. And really one suggestion that one might derive from the discussion would seem to point to an examination held exclusively at Aden, or I believe there is a place called Port Sudan on the coast of the Red Sea, which is in British territory, and which, perhaps might be found approximately equidistant between India and Great Britain. But, speaking actually, I think it has been correctly pointed out that there is a close connection between the subject of this resolution, and that of the resolution which was discussed yesterday. Apart from practical difficulties about holding simultaneous examinations, which, on the Hon'ble House Member's side, is, comparatively, a minor point, the real argument in favour of the present system seems to be the view that the Indian Civil Service should contain a preponderating proportion of British officers, that it is, in fact, merely a European Civil Service, that there should be a European Civil Service, and that the European Civil Service, logically, should be presided by examinations in London. The arguments in favour of that view are stated competently in different forms. It is said in the recommendations of the Public Service Commission that the nature of British responsibility for the good government of India requires the employment of a preponderating proportion of British officers in the Indian Civil Service, or it is stated that it is necessary in order to maintain the British character of the administration. Well, of course, naturally, these are compendious statements of the reasons, and perhaps not very explicit, but sometimes it is attempted to explain these reasons a little further and reference is made to the inherent qualities of the British race, and that it seems to me in an argument that needs a little reinforcement, and I think possibly with some reason, although the argument is supported by high authority, because it seems to suggest an inference which is not altogether fair, not altogether just, to the people of this country. There is no doubt that the inhabitants of the British Islands have certain inherent qualities, who certainly interest deeply I suppose, and it may be said that these inherent qualities, or some of them, qualify them eminently to carry on the administration of this country. On the other hand, it might be argued that some of their inherent defects are a considerable handicap to them in that carrying on the administration of any country except their own. And it may also be said that the educated, advanced people of this country have certain inherent qualifications for the administration of their own country, in their presentment (present) to the country and ultimate acquiescence with the people of it. But, when all that is said, I think it will be admitted that, in any case which British rule was established first in India, there was a practical difficulty in finding Indians who were qualified to carry on the administration as rulers, what we may call advanced and efficient class. That is an argument to the people of this country. It was due to certain circumstances in the political history of the country which had retarded its development. Well, in

"Now, Sir, the one thing that lies at the bottom of the question is whether my European friends, members of the Civil Service and others, if they think at this time of the day that the present state of things is just or fair to Indians, or that it should be altered to continue without repeated protests, protests which will continue until the Government will find the situation insupportable. I ask in all sincerity, not in rage, not in bitterness, all my friends sitting here whether they desire that the members of the Civil Service and a certain number of our other English fellow subjects should retain a preponderance in the Indian Civil Service and the other services at the cost of the goodwill of the people of India? I am sure, Sir, as reasonable men would say 'yes' to that. We know, as the Hon'ble Mr. Morahan said, that, when British rule was first established in India, for various reasons it was necessary to invoke the assistance of British officers. These reasons do not now exist. Thanks to the education which the Government have provided for us, thanks to the progress which has been made in various other directions, we are well able now to compete with our English fellow subjects, and to fill many offices which have been filled by them heretofore. We do not ask that the preponderance of our English fellow subjects, in the services should not remain for some time. That preponderance will continue for a long time to come even if simultaneous examinations are introduced next year. The preponderance arises from the fact that our fellow subjects have had the start of us for seventy years. It will be maintained for the reasons that they have greater educational facilities. For these and several other reasons the preponderance will continue for some time. And we do not object to a fair number of Britons being in the service for some time. But I think the object should be steadily to work for the fulfilment of the promise of the pledges made. I am sorry that any body should sell these so-called pledges, and the more so that any member of the Government should use any such expressions. They are honest pledges, solemnly made, and an honorable fulfilment of these pledges demands that Indians shall be admitted in increasing numbers into the Indian Civil Service and that the number of Englishmen shall decrease year by year, not because there is any ill-feeling in us towards Englishmen, but because it is right and just that Indians should preponderate in the service of their own country. I do not think that my European fellow subjects, my British fellow subjects will ever that, taking into account the entirety of circumstances as we find them in India, there is any justification for imposing the additional burden upon the Government of India. The statement, as one of my honorable friends pointed out yesterday, does not demand the maintenance of a preponderating British element in the service of the country. We owe and acknowledge the necessity gladly, because we have been assured that our national duties will be dealt with justly, because these solemn promises and pledges have been made. It will be idle at this time of the day for any one to say that these duties are not going to be honestly fulfilled. Any Britisher who said so would be guilty entirely against the Act of Parliament of 1912, and the Declaration of 1909, and will be showing himself wanting in that faithful devotion to the pledges of his British Crown and Parliament which is expected of him.

"Sir, there are certain objections which have been raised to the ground that opinion in India was divided and that, with the exception of one member, the whole consensus voted against it. Well, Sir, as my friend the Hon'ble Dr. Rajah has pointed out, the composition of the Commission was very unfortunate. Protests were made against it at the time, but, I am sorry to say, these protests were not heeded, and were representatives of educated Indian opinion were not put on the Commission. We are proud that Mr. Justice Abdur Rahim has put forward the case of educated Indians with the ability and disinterest that he has done. That he expressed the general sense of educated India is evident from the resolutions passed in support of his views by the Congress, the Muslim League, the various provincial legislatures and by numerous public meetings throughout the country. I am sure the Hon'ble the House Member will find from the records of his office that my statement is absolutely correct. I believe efficient efforts have been placed before the Government of India to show that the minority report of Mr. Justice Rahim expressed the sense of educated India, and not the report of the majority.

"With reference, Sir, to the statement that Indian opinion was divided on the question of simultaneous examinations, I wish to read to the Council the opinions of one widely respected countryman of ours and that is H.H. the Aga Khan. In supporting the demand for such examinations, he said:—

"I am in favour of simultaneous examinations in England and India. I would give full effect to the Resolution of the House of Commons of June 1889, which will do away with any feeling of discontent that may exist at the time that the Indian Civil Service has now kept as a preserve for Englishmen and that the children of the soil are kept out from their proper and legitimate share in controlling the administration of the country."

"Then, Sir, it was said that the Sikhs were not in favour of it. These Sikh gentlemen gave evidence before the Commission, one of them had to be interpreted through an interpreter, and at the other two, expressed himself in favour of simultaneous examinations. It is thus clear that enlightened Mahomedan opinion, which commands respect of the community, is in favour of simultaneous examinations, and that Sikh opinion is also partly if not entirely in favour of such examinations.

"Lastly, Sir, an argument has been advanced which, I must say, every one of us Indians must regret. We know that we have many religious and caste in our country, but is there a country in the world in which there are not many religious and many communities? Is it the uniqueness of India alone? I am proud that we have so many religious and so many races inhabiting this country. But I am glad to be able to say that Hindu-Mahomedan differences, Brahmin and non-Brahmin differences are not so widespread or so deep as they are said to be.

and that there is a general agreement among us in connection with the demand. We are putting forward. It has been said that if the number of Brahmins is large in the higher services, there will be a general feeling of jealousy against them in the other sections of the community. Well, Sir, I would not offer to the Government of India, though I do it not without consulting my friends. If that is the only objection the Government have to sign against the holding of examinations, I refuse to say on behalf of my Brahmin friends throughout the country, that examinations for so many years as the Government will think that the public interest demands it. Brahmin boys will keep back from competing for this examination of the Government unless Brahmins in our country compete for it. I do not wish to raise any question of Brahmins or non-Brahmins. The late Mr. Gokhale was a Brahmin. The late Mr. Dadabhai Naoroji was a Parsi, but in those on Indian who does not hold them in reverence, who won't have hesitated to fall at the feet of Mr. Dadabhai Naoroji, and who does not regard him as the greatest Indian patriot?

"Is there a Mahomedan in the country who did not love Mr. Gokhale as dearly as he loved any other brother?"

"There is my friend Mr. Nathi, the honored head of the Secretariat of India Society. He is a Brahmin. But what is it to him that a man is Hindu, a Mahomedan or a Christian? Is he not serving of his countrymen alike? Does he not want and work that justice should be done to all? It is in that spirit that many distinguished Brahmins have worked in the past. If any have worked in a contrary spirit, I am sorry for them. But it does not follow the Government, or anyone speaking on behalf of Government, to bring forward this argument against the Brahmins, that they alone have inclined to submit to Brahmins, to hold their own against other competitors. It has been said that if the towns inhabiting the North-West Frontier Provinces were asked to submit to Brahmins, there would be rebellion; that life and property would not be safe in that Province. With all deference I am surprised that the Hon'ble the Home Member should have allowed this argument to appear in his speech even by way of caution of other people's arguments. I do not speak of Brahmins in any spirit of superiority. Brahmins, non-Brahmins, Mahomedans, Christians, Parsis, Europeans, all nations and communities inhabiting India are alike the subjects of His Majesty. It is our duty to cultivate and promote good feeling among us all. We are working here in that spirit and in no other spirit. But Sir, to say that those Frontier Provinces will not submit to Brahmin domination."

The Hon'ble Sir William Vincent:—"I really said nothing of the kind. The Honorable Member will allow me to correct him."

The Hon'ble Pandit Mahan Mahan Malaviya:—"To suggest a doubt as to how the Frontier races would look upon the domination of Brahmins."

The Hon'ble Sir William Vincent:—"I referred not to Brahmins particularly but to persons from the West and South of India generally."

The Hon'ble Pandit Mahan Mahan Malaviya:—"Language, it has been said, was not made to conceal thought. I fear my Hon'ble friend, without any disrespect to him, uses language which is meant to conceal the full meaning of the suggestion. I do not mean any disrespect, but there it is. However, I will take it in the way he said it. If I am wrong in doing so, I am sure he will excuse me."

"Not long ago, in the reign of Ranja Singh, a Kashmiri Brahmin—General Nand Ram—was the Governor of Kabul. There have been many other Brahmin Governors, and administrators, in Mysore, in Tanjore, in Oudh, in the Mahar's territories, in Kathiwar as well as in many Native States in Rajasthan. Brahmins have filled the highest posts with credit to themselves and benefit to the States. The Government have no right to say that of Brahmins are appointed they will be looking in those quarters which are needed in executive work. But we are not pleading here either for Brahmins or non-Brahmins. What we say is put our educated young men in a fair test along with your British youth. If they succeed in that test, admit them into the service. If they do not succeed, no matter whether they be Brahmins, non-Brahmins, Mahomedans, Christians, Parsis or any other class of Indians, keep them out of the service; but do not in future exclude them merely because they have the misfortune of being Indians, merely because they happen not to possess the material advantages which have arisen owing to our weakness and your strength, of being in the majority in the possession of the Government. I mean no disrespect to any one, but every Englishman must recognize that it is owing merely to a historical circumstance that Indians are in any under British rule. Before that rule was established in this country, Indians governed India, and even today a number of India is governed by Indians. If it should please His Majesty the King-Emperor to allow Indians to govern in greater their country in a larger measure than heretofore, I am certain they will not be found wanting. All that I am pleading for is fair play. Let us have fair play. English gentlemen pride themselves on playing the game. I ask my British fellow subjects, and British fellow subjects too—I ask them to play the game. Is there one gentleman here who will deny in private that it is not fair to Indians to require them to go to London to compete for admission into the service of their own country? I cannot believe there is. I therefore ask for support from each and all for the proposition I have laid before the Council. I plead earnestly for such support, and I hope my friends will recognize that I am justified in doing so. I hope I will not be misunderstood. I am speaking with the best of intentions. I feel that it is good for my country that British Rule should continue here for a long time to come; and I hope it

may never be necessary for Indians and Europeans to part company. But as essential condition of that co-operation is that Indians and Europeans should have equality of opportunity, that Indians should not feel that in their own country, in their own neighbourhood and under their own King-Emperor, they cannot rise beyond a certain limit merely because they are Indians, whatever talents they may possess, whatever characters they may possess, whatever qualifications they may possess and whatever their services to the Crown. However unpopulated and unrepresented their locality may be, they cannot rise beyond a certain point simply because they have the misfortune of being Indians. I trust, Sir, that it is against that we are fighting, and I assure you we are fighting in the best interests of the connection between India and England.

The Hon'ble the Vice-President:—"I must ask the Hon'ble Pandit to bring his remarks to a conclusion. I have already allowed him to exceed the time-limit. It is nearly 2 o'clock and I think the Hon'ble Member wishes that we must finish this debate today. As it is I shall only be able to give the Hon'ble the House Members a few minutes to reply."

The Hon'ble Pandit MANOH MANOH MALAVIYA:—"He has replied, Sir."

The Hon'ble the Vice-President:—"The Member in charge has the right to the last word under the Rules."

The Hon'ble Pandit MANOH MANOH MALAVIYA:—"Very well, Sir. I will speak in a minute. As I am proved for time I think I cannot do better than conclude by quoting one passage from the report of Mr. Justice Abner Holmes in which he has put our case in a nutshell. He says—"

"The main object of the proposal is to remove the otherwise innumerable barriers against Indian candidates which now artificially secure for British candidates a virtual monopoly of the most important and best paid civil appointments. It is based on the principle that appointments to public office in India ought to be settled on the test of qualifications and not on presumptions arising from race, or place of birth. If the desire to secure what is mildly called a 'British minority,' but which, in the contemplation of the majority of the Commissioners, really means 66 per cent or more of those posts, is to be given precedence over the test of qualifications, that can only be justified on a priori considerations of racial superiority. This according to the Indian view, should be regarded as inadmissible. Their contention is that the test of an examination such as that conducted by the Civil Service Commissioners should be supreme and the advantages which racial characteristics or training give to British candidates ought to, and will be lost, and suppression to the results of the examination. The English candidates have the advantage of the language and of a more efficient system of training and education. That ought to suffice—as all Indian witnesses think it will secure for each of them as an average individual gifts a preponderance in the service. Only these British candidates whose mental powers are below the average will fail in the competition. Any arrangements which would secure men of the better class, far from securing the British character of the administration, would only do serious injustice to it as well as to the prestige of the British people."

"I have nothing to add to that Sir. I hope my Resolution will be accepted."

The Hon'ble Mr. M. A. JINNAH:—"Sir, I rise to a point of order. Has the Member in charge the right of reply after the mover has replied?"

The Hon'ble the Vice-President:—"Certainly. The Hon'ble Member has no doubt and the order."

The Hon'ble Sir WILLIAM VINCENT:—"Sir, I have only a very few words to say in reply, and I seek only to remove one or two misapprehensions which seem to me to have crept into the debate. In the first place, it has been suggested that the Government is definitely committed to applying this principle of simultaneous examinations, because I said for particular reasons I could not in present circumstances accept this Resolution and because I cited certain arguments against the proposal. Well, I tried to make it clear and if I failed it is due to some fault of mine—that the Government are not committed to any decision on this question."

"The Hon'ble Mr. Jinnah charged me with only quoting arguments against the proposal. Sir my answer is really a very simple one. What was there left for me to say on behalf of the proposal after the Hon'ble Pandit had spoken? He had exhausted all the arguments in favour of it, and in the circumstances I wanted to place the Council in possession of particular arguments against it which must also be weighed by the Government of India. There has been a suggestion that the Commission and the Government really intend to be unjust to Indians and that they intend to make it necessary for them to go to England in order to secure entry into the Civil Service....."

The Hon'ble Pandit MANOH MANOH MALAVIYA:—"May I rise to point out, Sir, that we have never suggested that the Government want to be unjust. We are fighting against the recommendations of the Commission."

The Hon'ble Sir WILLIAM VINCENT:—"I am indeed glad to withdraw the statement. I understood that that was the suggestion. There was certainly a suggestion that justice was contemplated in regard to Indians in that they were to be allowed to go to England to enter into the Civil Service. This is far from what the Commission, as I understood them, propose. They distinctly propose to open an entrance to India for Indians to get into the Civil Service and the only question really is whether the scheme which they propose is as equitable as a system of simultaneous examinations."

"That we have been told that Shiba and Mahomedjee, I think it was Mr. Sastri's suggestion, do not at present desire proper representation in the service and that they will therefore not lose by the proposed changes? I think also that the Hon'ble Mr. Jinnah suggested that there was no reason why Government should assume that Mahomedjees and Shiba would prefer European to Indian in the Civil Service. Well, the answer is that the Commission do not seek to perpetuate the present state of affairs, and if there is any injustice to Indians I am sure the Government will support them in getting it removed. What the Commission seek to introduce is a system by which the number of Indians in the Service may be increased and proportionately the number of Europeans decreased. But the former question will arise for consideration as to whether anything should not be done to secure due representation of all classes by means of a separate commission in this country."

"The Hon'ble Mr. Jinnah also referred to a period when the character of the whole administration would change and when it would be as long as necessary to maintain the British character of the Indian Civil Service, because they would be, as I understood, servants of the people, that is to say under the control of some form of legislative or popular assembly. Well, the answer to that is that we are at present considering the position of things as they are. If these recommendations of the Commission are accepted they will have to be put in force at once, and whatever the future may hold during that transition period at any rate this—I do not wish again to put it too strongly—it is of importance that the British character of the administration should be maintained. If however during the whole course of this debate I have failed to make one point clear, namely, that the Government are in no way hostile to the idea of Indians being more freely admitted to the Indian Civil Service, that they approach that question perfectly openly and that they are not committed even on the question which is now under discussion, then I can only regret my failure to express the intentions of Government more explicitly."

The motion was put and the Council divided as follows:—

Ayes—59.

The Hon'ble Sir G. M. Chinnaiya.
The Hon'ble Sardar M. M. Mahajana.
The Hon'ble Dr. Tej Bahadur Sapra.
The Hon'ble Raja Sir Ranpal Singh of Karni Sahad.
The Hon'ble Raja of Mahmudabad.
The Hon'ble Mr. V. S. Srinivas Sastri.
The Hon'ble Sir Bhagwan Wadia.
The Hon'ble Sir Bhadish Bhatnagar.
The Hon'ble Sir Bhagwan Das Sahasrab.
The Hon'ble Mahabir Sir M. C. Nandi of Kumbhar.
The Hon'ble Raja Rajendra Dev of Ramkha.
The Hon'ble Mr. K. A. Chaudh.
The Hon'ble Sir Fazlulhuqur Rahman.
The Hon'ble Sir Krishna Sahay Bahadur.
The Hon'ble Mr. Mahomed Haque.
The Hon'ble Mr. M. B. Dadaabhai.
The Hon'ble Sir Bhabha Dutt Sahad.
The Hon'ble Mr. M. A. Jinnah.
The Hon'ble Jas Bahadur B. N. Sarma.
The Hon'ble Mr. E. V. R. Appanna.

Noes—34.

The Hon'ble the Commander-in-Chief.
The Hon'ble Sir William Meyer.
The Hon'ble Sir Sanderson Neill.
The Hon'ble Mr. G. R. Lowndes.
The Hon'ble Sir George Brown.
The Hon'ble Sir William Vansittart.
The Hon'ble Sir Arthur Wilson.
The Hon'ble Sir Percy Lister.
The Hon'ble Sir Edmund Gambie.
The Hon'ble Mr. C. H. Kesteven.
The Hon'ble Sir Percy Lister.
The Hon'ble Colonel S. J. Acland.
The Hon'ble Mr. G. B. H. Fell.
The Hon'ble Sir William Maxwell.
The Hon'ble Mr. D. de S. Hay.
The Hon'ble Mr. F. C. Ross.
The Hon'ble Sir James Dalrymple.
The Hon'ble Mr. G. E. Low.
The Hon'ble Mr. J. G. Jennings.
The Hon'ble Mr. H. Sharp.
The Hon'ble Mr. R. A. Meek.
The Hon'ble Mr. H. F. Howard.
The Hon'ble Major-General A. H. Bingley.
The Hon'ble Mr. A. P. Madhavan.
The Hon'ble Mr. M. N. Cookman.
The Hon'ble Mr. M. N. Hogg.
The Hon'ble Sir Hugh Bury.
The Hon'ble Mr. F. J. Moulton.
The Hon'ble Sir James Walker.
The Hon'ble Mr. E. H. Walsh.
The Hon'ble Sir John Donald.
The Hon'ble Mr. W. J. Lord.
The Hon'ble Mr. C. M. Atkins.
The Hon'ble Mr. C. A. Kincaid.

The motion was therefore negatived.

The Council adjourned to Monday, the 24th September 1917.

Bombay,
The 2nd October 1917.

A. P. MUDDIMAN,
Secy. to the Govt. of India, Legislative Dept.

The Council met at the Council Chamber, Vincent Lodge, State, on Monday, the 22nd September 1917.

PRESENT.

The Hon'ble Mr. G. R. Lowmery, Vice-President, presiding, and 22 Members, of whom 18 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble Mr. MAULANA N. HODA asked:—

1. " (a) Is Government aware that the recent alteration in the rate at which the Secretary of State will sell Council Bills has caused considerable anxiety in commercial and banking circles in India and that the prevailing uncertainty as to the future exchange policy of Government is seriously hampering the finance of exports of national importance? "

" (b) Will Government ensure the necessity by making a pronouncement of their exchange policy and stating whether the recent change is a war emergency measure only, or is to be regarded as an abandonment of the policy of a fixed and stable exchange; and if it is a war emergency measure only, whether further changes may be expected during the continuance of the war in the event of any considerable rise or fall taking place in the price of silver? "

The Hon'ble Sir WILLIAM HARTER replied:—

" I will answer both parts of this question together. As the Government of India announced in a month press communication, dated the 19th September, a copy of which was supplied to my Hon'ble friend at the time, the Secretary of State has authorized the Government of India to make the following statement with regard to the conditions by which he is being, and will for the present be, guided in fixing his Council rates. These rates are being, and will continue to be, based roughly on the price at which the Secretary of State is able to buy silver. It cannot be expected to sell silver at appreciably less than their actual cost, but he intends to apply this principle with considerable latitude so as to avoid changes so far as possible.

It will thus be seen that the recent raising of the price of the Secretary of State's Council drawings has been brought about by abnormal increases in the price of silver, which is in its turn a product of the special circumstances of this world-wide war. The measures adopted to meet these circumstances must not be considered as amounting in any way to abandonment of the policy of a fixed and stable exchange.

The Government of India recognize that a rise in the rate of exchange is per se prejudicial to any export trade just as that trade is hampered by the limitations which it has been necessary to impose on the volume of the Secretary of State's Council drawings. But as has been repeatedly explained, the Government of India and the Secretary of State embark on any such action with the greatest reluctance and simply in order to prevent greater evils. In short, the abnormal circumstances of the war require, every now and then, action in restraint of trade which the Government would not impose in time of peace."

The Hon'ble Captain ADAM EMMET, Serfar Bahadur asked:—

2. " Is it a fact—

(a) that retired Indian officers who hold the honorary rank of Lieutenant or Captain and are re-employed in the army get none of those privileges, e.g., travelling allowances, lodging, etc., which are enjoyed by officers of similar rank in the other branches of military service? and

(b) that when retired Indian officers holding the honorary rank of Lieutenant or Captain are invited to attend Durban and other ceremonial functions, they are not given the privilege as to conveyance and lodging which their rank entitles them to under the Army Regulations? "

The Secretary the Government-in-Chief replied:—

" (a) Retired Indian Officers who hold the honorary rank of Lieutenant or Captain and are re-employed in the Army travel or remain on all occasions except when warrent cannot be issued by road, when they draw travelling allowance at the rate of two annas a mile. The fact that these officers hold honorary rank does not entitle them to draw travelling allowance as for officers holding equal substantive rank, and when travelling on duty they draw allowances according to the scale laid down for Indian officers.

Neither British nor Indian officers receive lodging allowances under Indian regulations. Distances allowance is, however, granted under certain circumstances.

(b) When they attend Durbans or other ceremonial functions they are entitled to the privileges enjoyed by Indian officers. Their honorary rank does not entitle them, in the absence of any rule in Army Regulations, to the privileges enjoyed by officers of equal substantive rank."

The Hon'ble Mr. KANWAR KUMAR CHAKRAVARTY asked:—

3. " (a) Has any Circular letter been addressed to Local Governments inviting suggestions for amendment of the Indian Universities Act? "

(b) If so, will Government lay on the table a copy of the Circular letter and the replies, if any, received? "

The Hon'ble Mr. C. DEWARAY NAIK replied :—

"(a) Yes."

"(b) The Government do not now propose to lay the correspondence on the table."

The Hon'ble Mr. KAMINI KUMAR CHAKRA asked :—

4. "Is it a fact—

(a) that the Hindu Home Rule question has been before the British Government and others for about half a century?

(b) that it has three without number caused bloodshed and serious setbacks against life and property?

(c) that only last year there was a rebellion in Ireland which had to be put down by the British?

(d) that the British Government has taken up the question of its immediate settlement and even granted an amnesty to all political prisoners and invited representatives of all parties in Ireland to form a commission to discuss the question?"

The Hon'ble Mr. KAMINI KUMAR CHAKRA :—

"With regard to Question No. 4, I beg to say that parts of the question as sent by me have been disallowed. I do not think that it will serve any useful purpose to put this question as it stands on the agenda. I beg leave to withdraw it."

The question was by leave withdrawn.

The Hon'ble Mr. KAMINI KUMAR CHAKRA asked :—

5. "(a) Is there a girls' school in Delhi called the Indraprastha Girls' School established in 1934, and is it a fact that Miss Gumber was Lady Superintendent thereof from 1935, and that last year this school, with an enrolment of 350 girls, was moved to the vicinity of a High School, and that the school was enjoying a grant-in-aid of Rs. 240 a month?"

(b) Is it a fact that after the opening of a Branch Home Rule League at Delhi, the grant-in-aid has been withdrawn on the ground that the Lady Superintendent Miss Gumber had joined the League and that she must withdraw either from the school or the League?"

(c) Is it a fact that at the same time the payment of the scholarship money which was then overdue was also withheld?"

(d) Is it a fact that the said school is the largest girls' school in Delhi and that though all other schools were given one meeting in the week to visit the Delhi Food Gardens to day was allotted to it.

(e) Is it a fact that the Lady Superintendent and the Honorary Secretary of the School Committee gave an assurance to the Chief Commissioner that the Home Rule League is quite apart from the school and that no member of the School Committee nor any person connected with the school besides Miss Gumber and an Honorary worker, Miss Friend, had anything whatever to do with the Home Rule League?"

The Hon'ble Sir WILLIAM VINCENT replied :—

"(a) The Indraprastha Girls' School, Delhi, had at the close of its last report 325 girls on the register. It received a grant-in-aid of Rs. 240 per annum."

(b) The Head Mistress informed the Chief Commissioner that she has started, and was Honorary Secretary of, a Branch of the Home Rule League. As he held it to be contrary to public policy that teachers in schools enjoying grants-in-aid from public money should be allowed to take a prominent part in a political agitation of this type, he informed the managing committee that unless Miss Gumber withdrew from active participation in the work of the League, it would be necessary to withdraw the grant. On the Committee declining to compel this lady to take this course, the Chief Commissioner withdrew the grant-in-aid from the school."

(c) The grant-in-aid having been withdrawn the school became disorganised, for the purpose of the Education Code and the payment of scholarships ceased in consequence."

(d) It has been mentioned that the Teachers of Schools conducted parties of girls from within schools in Delhi to see the Food Gardens but did not conduct a party from the Indraprastha Girls' school. The master was not one whose name before the Local Administration and no action was passed on the point."

(e) The Chief Commissioner, Delhi, reports that the Honorary Secretary informally stated that the work of the League was separate from the work of the school and at the same time expressed his own disapproval of the connection of the Headmistress with the Home Rule League. The management of the school has not addressed the Chief Commissioner on this subject."

The Hon'ble Mr. KAMINI KUMAR CHAKRA asked :—

6. "Is it a fact :—

(a) that a reading room called the Home Rule Reading room was lately opened at Delhi, and

(b) that the management of the reading room complained of harassment at the hands of the Criminal Investigation Department, not only by crowding the room but asking it a rule to follow and hence victim so as to make them discontinue their work?"

(c) If so, was any inquiry made about the complaint?"

The Hon'ble Sir WILLIAM VINCENT replied :—

"(a) (i) The fact was stated."

(ii) (a) and (b) The management have made no complaint either to the Chief Commissioner or to other local authorities of harassment by the Criminal Investigation Department."

The Hon'ble Mr. KANAKI KUNAL, Chairman asked :—

7. (a) Will Government be pleased to state if the Public Works Engineering Committee has submitted its report?

(b) Is the report unanimous?

(c) Will this Council be given an opportunity of making observations on the recommendations of the Committee before action is taken by Government thereon?

(d) Will Government be pleased to place the report on the table?

The Hon'ble Mr. F. C. ROSE replied :—

"The answer to part (a) of the question is in the negative.

Answers to part (b), (c) and (d) cannot be given until the report has been received."

The Hon'ble Mr. S. S. MASRAM, Chairman asked :—

8. (a) Have any Bills to provide for compulsory elementary education been introduced in Legislative Councils in India? If so, in which of the Legislative Councils have such Bills been introduced?

(b) Have any other private Bills for the same purpose been forwarded to Government for sanction? If so, for what Provinces and areas are they intended?

(c) Do Government propose to introduce any Bills in their own initiative for this purpose in Provinces where no steps have yet been taken to introduce compulsory elementary education?

The Hon'ble Mr. C. BHANUJAN NAIDU replied :—

"(a) A Bill to amend the Bombay District Municipal Act, 1920, with a view to empowering Municipalities under certain conditions to make elementary education compulsory, has been introduced in the Legislative Council of the Governor of Bombay.

(b) No other private Bills for this purpose have been forwarded to the Government of India for sanction. But the Government of India have officially received a copy of a Bill further to amend the City of Bombay Municipal Act, 1925, for making elementary education compulsory in the City of Bombay.

(c) The Government of India have at present no such initiative."

The Hon'ble Mr. GANESHAJI CHITambari asked :—

9. (a) Is the question of assessment of the Income Tax Act under consideration as stated on the 19th July by the Hon'ble Mr. George Barnes in the Bombay Chamber of Commerce?

(b) If so, will Government be pleased to indicate the nature and scope of the changes under consideration?

(c) Is it a fact that at present refund can only be claimed by application on forms which have to be signed at least in some of the Provinces by applicants before the Collector of Income-tax or a Justice of the Peace or a Magistrate?

(d) If so, is Government aware that compliance with this rule is not practicable in the case of persons residing in small holders of securities in the interior?

(e) Will Government be pleased to consider in connection with the general question of periodic deductibility—

(i) of embodying a statutory provision for refund after inquiry of income-tax deducted from interest due upon Government Promissory Notes, Post Office Debentures and like securities upon claims preferred by the persons referred to in (d); or

(ii) of issuing instructions to the same effect to Local Governments and Administrations?"

The Hon'ble Mr. WILLIAM MAYER replied :—

"(a) Yes. As I explained to the Committee of the Budget Chamber of Commerce last month, the Government of India intend to introduce a Bill for this purpose towards the end of the present session of the Legislative Council, the intention being merely to introduce the Bill and thus to publish it and refer it to Local Governments and Administrations and to the public for criticism.

The revision of the Act has, however, proved to be a rather difficult and complicated task than was expected, and owing to this delay and to the pressure of work during the present Council session, it has not been possible to complete the preparation of the Bill in time for introduction before this session closes. We propose, however, to carry out our previous intention as far as possible, and, as soon as the drafting of the Bill has been completed, to publish it. This we now expect to do during the course of next month. Ample opportunity will then be afforded to the public for consideration of the provisions of the Bill and for putting forward suggestions. The Bill will then be formally introduced in the next Delhi session of the Legislative Council.

(b) The main object of the revision of the existing Act is to bring together all aspects of an assessee's income for the purpose of determining the rate at which he shall be assessed on each part of it. Legislation for this purpose became essential with the adoption of graduated rates of tax in 1925. A detailed examination of the existing Act had shown that in order to give effect to this object, it will be necessary to recast the whole Act. Apart from this, the replies which we received from Local Governments and others to our reference on the subject have shown that numerous amendments are required in order to bring our income-tax machinery as a whole up to date and to make it efficient. As the various alterations suggested are still under consideration, it is not possible at present to make any definite statement as to the nature and scope of the changes contemplated, but, as I have just explained, it is our intention to publish the Bill for general information and criticism, as soon as we can. I may add to prevent any misapprehension, that the new Bill does, as has been said with the improvement of

necessary and is not intended to make any alteration in the rules of income-tax leviable. That is a budgetary matter, and if and when any modification in the existing rules of taxation should be found desirable, it will form a part of a budget programme.

(d) The rules governing applications for refunds are made by Local Governments and Administrations, but the Government of India understood that in some Provinces at least the position is as stated by the Honourable Member.

(e) The Government of India have received no representations that posthumous ladies or small holders of securities in the interior of the country find it impossible to comply with any of the rules relating to refunds which have been issued by Local Governments. It would be for Local Governments to deal with such representations, and the Government of India have no doubt that in the event of any difficulties arising, these will be duly considered by Local Governments.

(f) The Government of India recognise the importance of ensuring the prompt refund properly and with a minimum of inconvenience to applicants who may be entitled to them. Thus in addressing Local Governments on the subject last year, they explained that they wished simplicity and the convenience of applicants to be studied as far as possible in the procedure to be adopted for refunds, and that they would be glad to co-operate by according to any details of procedure which would lead to this object, should their machine be required on any particular point. Some difficulties occurred at the outset before the procedure for dealing with refund applications was settled, but the Government of India are sure that Local Governments are doing what they can to minimise inconvenience to applicants. We have at present under examination the manner in which refunds in respect of incomes tax deducted from interest on Government promissory notes and other securities can most expeditiously be dealt with in the Bill above referred to and we shall in due course decide whether any general instructions are necessary to supplement the provisions of the Bill.

The Hon'ble Sir Siva Siva Nair Babu asked :-

10. " (a) Have the Government of India examined Local Governments and public bodies as—

(i) The proposed banking legislation for India, and

(ii) The post-war trade returns?

(b) If so, will Government be pleased to lay on the table the opinions which have so far been received?"

The Hon'ble Sir GEORGE BARNES replied :-

" (a) The answer is in the affirmative.

(b) I lay on the table copies of the replies * received on the subject of Banking Legislation. Government do not consider it desirable in present circumstances to publish the opinions which have been received on the subject of trade after the war because on these opinions certain business suggestions which affect the subjects of foreign powers."

The Hon'ble Sir HENRY BEAUF asked :-

" (a) Will Government be pleased to state what, if any, guarantees they received in regard to Mrs. Beauf and her two companions?"

The Hon'ble Sir WILLIAM VERNON replied :-

" Sir Edmund the Viceroy has received a telegram from Mrs. Beauf conveying to him an assurance that she is ready to co-operate in obtaining a calm atmosphere during Mr. Hooley's visit.

The Government of India had also previously received assurances from influential persons which, in the opinion of Government, justified them in recommending the removal of the restrictions placed on Mrs. Beauf by the Government of Madras."

The Hon'ble the Vice-Chancellor :- " Before the Council proceeds to the consideration of the resolutions on the list I think it desirable to point out to Honourable Members that though we shall go on with last Friday's list of resolutions on the Public Service Commission today, it will be necessary tomorrow, if that list is not finished, to take up the supplementary list which has been issued, and which contains certain other resolutions; we shall take those first, only the balance of the then available business being given to any of the Public Service resolutions which may be left over."

RESOLUTION RE PROPORTION OF INDIAN RECRUITS IN THE INDIAN CIVIL SERVICE.

" The Hon'ble Pandit Madan Mohan Malaviya to move the following Resolution :-

" This Council recommends to the Governor-General in Council that the Government of India should move the Secretary of State that, in view of the fact that a certain proportion of the Indian Civil Service offices recruited every year should be selected on the basis of a competitive examination held for the purpose in India, that proportion should be not less than one-half of the total number of the posts included in the cadre of the Indian Civil Service and not less than as recommended by the Public Service Commission."

" Sir, the resolutions which I moved relating to the question of simultaneous examinations, especially, I venture to say, the sense of the bulk of the educated community of India, as has been made very clear by the resolutions passed at the Indian National Congress and the

* Not included in this printed copy.

various conferences and by the Modern League, and the meetings which have been held throughout the country. It is the conviction of Indians that in order to attain the legitimate separation of educated Indians this is the one means which should be adopted, the means which was recommended as most necessary for attainment of the pledges given to Indians by the Act of 1913 and the Proclamation of 1914, and was recommended by the committee appointed by the Secretary of State. For these many years we have urged that this should be done and we still urge that this is the right course to pursue. The reason for all I do not wish to place upon at this moment because I have dwelt upon them already. But I wish to make it clear that if I am pulling forward an alternative resolution, it is not to be understood that I in any way abandon the position taken up by educated Indians generally on the question of simultaneous examinations. We feel that this is the best solution of the problem. We want to eliminate distinctions of race and creed, between Europeans and Indians who are to serve His Majesty's Government and this great country. We want that Indians and Europeans who enter the Indian Civil Service should feel in every respect that they stand on a footing of equality and we feel that that equality can only be secured if they are admitted to the same intellectual test, if they enter by the same door of open competition, if they are placed in all respects on an equal footing with the members of the Civil Service. Now, sir, if unfortunately the Government should decide that simultaneous examinations shall not be held, I am certain that there will be a great outburst of dissatisfaction in the country, I am certain that the solution will not be accepted as satisfactory. But if simultaneous examinations are not agreed to, and if the Government decide to fix a definite proportion of posts in the Civil Service to be competed for in India, then the second question which I wish to urge upon the consideration of Government is that the proportion of the appointments to be accepted for should be such as would give some satisfaction to the educated community. The proportion which has been recommended by the Royal Commission is one-fourth, one-fourth of the number of posts. Mr. Chelmsford has pointed out how that would infinitely arise so far as that proportion is concerned. Mr. Justice Alder Smith has urged that the proportion should be one-third.

The Government of Madras urged, as far back as 1913, that one-third of the appointments in the Indian Civil Service might well be left to be competed for in India. Mr. Harrow, a senior member of the Bombay Civil Service, also urged before the Commission that the number might well be one-third. That indicates that, in the case of one of these provincial governments and in the case of one senior member at least of the Indian Civil Service, it was recommended that the number might well be fixed at one-third. As I have submitted, sir, that number will not satisfy the aspirations of Indians. The numerous protests that have been made against these recommendations should probably convince the Government of this, and if the proportion were to be fixed I submit that it would be half of the total number of the posts in the Civil Service and not one-fourth as the Commission recommended.

"I do not think, sir, that I need advance any arguments in support of this proposition. It is a matter mainly to be considered now is what attitude, in what frame of mind, the Government will approach the solution of this question. If they approach it from pre-war conditions, if they approach it from the conditions which existed before their three years of great change had occurred, then they might as well spend their time in considering whether the recommendations of the Commission should not be accepted. If, on the other hand, they will bear in mind the announcement of the policy made by His Majesty's Government that responsible government is the aim of British policy in India, if they will bear in mind the announcement made by His Excellency that the employment of Indians in an ever-increasing measure in the higher services of the country is essential to the attainment of the goal of self-government which His Majesty's Government had announced, then I am sure the Government will consider it their duty to review the whole question in that light, and if they do so they will have to consider what it is that will satisfy the aspirations of Indians. Now, sir, we are not asking merely for a few honors and salaries of the higher services. We want that in our country, in the course of a few years—it may be a few decades—Indians should be able to occupy the same positions of trust and responsibility as the educated class of able countries occupy in their own country. For the attainment of that object we have urged an equal intellectual test. If that is not accepted, we say very well, fix a proportion, but half of the posts in the administration that we reasonably expect our British fellow-subjects who compete at present for the Indian Civil Service do so because, owing to circumstances which existed here in India, they have been doing so for a long time and the claims of Indians have not been properly admitted and acknowledged or properly given effect to. But in the future that lies before us, they will have to decide whether, if Indians are to have responsible government, they should not be admitted in a larger and larger measure into the administration of their country.

There are two questions which arise in this connection. These two questions were urged on the debate on the previous occasion. One was that the British character of the administration has to be maintained. On this point, sir, I wish very respectfully to point out—and I hope some of my European friends will understand me—whether it is not time for them to look at this question in a different light, whether instead of harping upon the necessity of maintaining the British character of the administration, they should not now say that the character of the administration should be Indian, as modified, re-fashioned, corrected, if you please, improved, by association with our British fellow-subjects. The British character of the administration does not require that Britishers in large numbers should be employed in the Indian Civil Service and other services. The British character of the administration has been imparted upon the country by the institutions which our British fellow-subjects have established in India. These institutions are not going to be

interfered with. The ideals which they have led us to appreciate, the ideals which they have established in this country, will be maintained in their full entirety, even when the number of British offices in the service is diminished, even when it is very largely diminished. The principles for which British administration stands are not confined only now to the administration of India. It is the proud boast of England that it has led other countries, with which it is not even connected in any way, to adopt many principles of British administration. British justice and British ideas of freedom and self-government. These ideas, these institutions, will be maintained. I hope, and I trust in their maintenance by those being influenced wherever it is necessary; but the great thing to be aimed at for the full development of India and to enable her to work out her own destiny, is that the character of the administration, while it preserves all that is best in the English system of administration, should be specially, particularly, definitely Indian, and that means that all that was best in our own Indian administration, Hindu and Mohammedan, should now be blended and fused, in order to improve the present British system of administration which obtains in India. That system, sir, as it obtains in this country is not, I am sorry to say, either purely British or purely Indian. It is not purely British because it does not conform to all the principles which govern British administration in the British Isles. It departs from them on every aspect into which it is not necessary for me to go on this occasion. It is not Indian. What is needed is that to future a system should be developed which should be mainly Indian, influenced and improved, as far as it may be, by the adoption and maintenance of the principles of British administration which have been accepted and found to be good and sound in practice. And how I say that this has already been very much realized in portions of those Indian States where the British administration and the Indian administration have been blended together with very happy results and with results which are far more satisfactory than have yet been obtained in British India.

Now, sir, the second point I would refer to is the consideration of Indian interests. It has again and again been urged that, as British interests have to be protected, the admission of a very large number of Indians into the service is a matter of doubtful expediency. The other day one of my friends urged that the railway domain and other industrial interests had to be protected. Railway interests are largely Indian. It is the people of India who have contributed 500 crores and more for building up the railways. They are owned by the Government of India. The few railways that may be owned by Companies will, I hope, before long be bought up by the Government of India. So far as concerns the interests of trade and commerce and of a temporary character. They arise and go. Every week they arise and pass and they make sales, and these interests we have no fear of affecting if the administration is somewhat modified. As far as industrial interests are concerned, we wish to have more of these. We wish that our British fellow-subjects who desire to come and establish themselves amongst us will come and co-operate with us in doing so, and I do not see why they should apprehend any danger. There are other countries besides India where English capital is invested. I suppose it is invested in Japan; I suppose it is invested in China also; and I do not know that my English fellow-subjects desire that they should have a hand in the Government of either China or Japan. I submit, sir, that English interests even, when they are represented by English industrial interests, measure up to nothing before the vast interests of the life and health of the population of India. The question to consider is what the interests of the great bulk of the population demand, and in satisfying those interests undoubtedly to have in mind the interests of even the smaller body. I do not wish that there should be any conflict of European and Indian interests in that direction. This country is a very vast one and I think that even when we develop, as we hope to develop in the not distant future, into a country with full self-governing institutions, even then I venture to think that we shall have very great room for our European fellow-subjects who will wish to come and trade with us. Therefore, I submit, sir, that neither the argument of British interests nor the argument of the necessity for maintaining the British character of the administration ought to stand in the way of determining the proportion of Indians which ought to be employed in the public services of their own country.

I have submitted that as far back as 1858, our Provincial Government recommended that it should be one-third, and I suppose now that, if a resolution is to be fixed, it should be a half and not less. I suggest that, having in mind that the London door will be open still to Indians; because our whole object is that there should be no limit placed to the number of Indians who should be employed, the only limit being the limit of intellectual test, capacity and character. If we are found on a fair and equal intellectual test to be inferior to our English fellow-subjects, we shall be content to keep back. If we prove that in an equal test we are not inferior to our English fellow-subjects, we have every right to enter the service of our own country. I say without hesitation we have a preferential right, a very much preferential right to enter the service of our own country as against our English fellow-subjects. Therefore I submit that there should be no limit placed, and that on equal test should be open to all; or, if there must be a limit placed, that the limit should be only so far as requirement in India is concerned and that it should be not less than half.

I hope Government, in considering this question, will have in mind that they have to satisfy Indian aspirations in such a way that all feelings of nationality, all feelings of hindrance, all feelings of the position of Indians in the public services of their own country, should be obliterated. Indians should feel that they have as good, as reasonable, as fair an opportunity as of being to the higher ranks of those services as their English fellow-subjects have in the service of their own country. In order to bring that about the question has to be appreciated, from the point of view of how many Indians may be admitted into the public services, but from the point of view of what are the facilities which should be given to Indians in order that

Civil Service Examination have not hitherto been greatly helped to the fulfilment of their aspirations. But, it is so good to deprive southern Indians of the opportunity of life they seek, for, ambition colored, like hope, "marches the heart on." The Government's appointment actually enables itself into a government of the people and a source of considerable advancement to the Government. I would, under the circumstances, very much wish the Honorable House Member to accept the present motion of my honorable friend, for it does not make an impossible demand or a demand that the Government should be reluctant to accept. The Public Service Commission recommends a sort of competitive examination to be held in India for the purpose of filling up not more than one-fourth of the total number of posts included in the cadre of the Indian Civil Service, but this recommendation even if force effect will be far from satisfying the requirements and aspirations of the Indian people. I think Pandit Madan Mohan's proposal to increase this number from one-fourth to one-half is only a fair and reasonable demand, and I, therefore, feel no hesitation whatever in supporting this motion."

The Hon'ble Sir GANESHA CHANDRA SAHAY.—"Sir, this resolution is a practical solution of the difference of opinion that exists in the country concerning the higher appointments that should be given to Indians. I am sure that the suggestion embodied herein will be more in conformity with the recommendations of the Public Service Commission and with the expert opinion that has been formed on the subject. It is gradually following the line of action laid down in this resolution there will be not much disturbance in the machinery of Government as at present constituted. It is machinery which, as I said somewhere, is very delicately poised. I am sure that this proposal if approved and gradually given effect to will for a good long time meet the requirements of this country. The Government is not asked for as a reward for services rendered by the people in this crisis. That is a duty which the people as loyal subjects of the King-Emperor have to do; but this proposition with salaries adjusted according to Indian conditions will be a relief to the finances of the country when help will be most necessary, and when the country along with an accelerated progress in matters like education, sanitation and development of communications will be required to pay very heavily for the defence of the country, both as regards the Army and Navy."

The Hon'ble Sir RABINDRANATH SARKAR.—"Sir, I have great pleasure in supporting this resolution, and my reasons are briefly as follow. For the purpose of my argument I shall assume that the strength of the Indian Civil Service officers that is found necessary at present in the several provinces will continue to be found necessary hereafter also. I shall take for my example the province of Bihar and Orissa. This province was formed in 1915. It hugs the Ganges through the stream of the river; its people cannot be said to be less wealthy or turbulent than the other people of India. Patna or Patnaghat was the ancient capital of Bihar for a very long time, and therefore if the virtue qualities of the people continue much the same I am sure that it cannot be said that the requirements of that province would be in any way less than the requirements of other provinces. Now this province has a population of 31 millions and we have been able through a trying period with 104 officers—I believe it is between 104 and 112. At that rate, taking the population of British India at 311 millions, I think the number of British officers that will be absolutely required would be about 724. We have at present 1,411 officers. Therefore taking it that the requirements of severely demand as large a British element as exists at present in Bihar and Orissa, I think perhaps one or another granted half the number of posts in the existing Indian Civil Service Cadre. It is to be noted that the Commission recommended the increase of the Indian element therein."

"I may be permitted to point out in this connection that these are certain provinces whose districts are very small in area comparatively speaking and which seem to have too many British officers. I am not going into the past history of those provinces; at the same time those provinces were formed it may be that it would be necessary owing to the recent progress of those provinces that a large British element should be introduced. But from the observations which I will see the other day from His Honor the Lieutenant-Governor of the Punjab, we may take it that a province like the Punjab could at present be managed with a very small number percentage of European officers than are at present found therein. His Honor paid a tribute to the common sense and ability of the people of that province to do the perfect British system. If that be so, and if 24 millions of people in Bihar and Orissa can be managed by 104 officers, why should a population of 15 millions in the Punjab have 132 . . ."

The Hon'ble Mr WILLIAM VERNON.—"May I ask the Honorable's Member what population he assigned to Bihar?"

The Hon'ble Sir RABINDRANATH SARKAR.—"24 millions."

The Hon'ble Mr WILLIAM VERNON.—"Yes; that is correct."

The Hon'ble Sir RABINDRANATH SARKAR.—"Similarly with regard to the United Provinces of Agra and Oudh. The United Provinces have 57 millions or say 55,000, and they have got 237 officers there. The Hindi-speaking people occupying the United Provinces, a large proportion of the population thereof, are very nearly allied to those in the adjoining province of Bihar; and I ask in any way the Indian element in the United Provinces cannot be easily managed on a very moderate scale."

"The same observation holds good as regards Bombay. That is one aspect of the question. I know that there are differences in the revenue, and judicial work therein; wide differences; but I may point out, sir, that the Indian has been found to be as good a Collector

of Europe as the European; and as to judicial administration, it has been recognised by all that the Indian character and several witnesses have deposed that the number may be increased to as much as two-thirds. Consequently assuming that the revenue which some of other provinces realise larger than that of Bihar and Orissa, which is a parsimoniously-scaled province, I take it that so far as the security question is concerned the British element need not be so large as it is at present in those provinces.

"Then again the evidence shows that many of the witnesses did not think that it would be unsafe, so far as the executive services are concerned, to go as far as one-third, and the judiciary according to some would be almost wholly composed of Indians and according to others two-thirds, half and three-fourths. Turning to page 225 of the Public Services Commission Report, we have there 1,398 officers in the executive service and 542 in the judicial line. But I am afraid that the Assistant Collectors who form the training course and leave careers have been put almost wholly under the head executive rather than under the judicial."

"The number of superior judicial officers is 153, and if we take the training course at 95 per cent, I think the total number will come to about 376. If we give two-thirds to Indians, the total will be 600 and then one-third of the executive officers will be 315. The total would come to about 600 or a little less than half the present strength of the Civil Service. There is another point that the Public Services Commission have realised and that is that some of those districts may have to be broken up and Additional District Collectors may have to be appointed. In such a case the number of Indian members may be safely increased and that would bring us to a bulk of half, as has been pointed by the Hon'ble Mr. Malviya. The reason perhaps why Bihar is treated with a small number is the fact that it has been constituted recently and that its revenue is small compared with the provinces of the other provinces. From the realistic point of view, and that is the point I am now dealing with, I do not think that there is any difficulty. There is not much complaint with regard to the sufficiency of the number of officers, it has been vaguely suggested before the Public Services Commission, but it has not been pressed. Turning to the order of the service we find that only Collectors are in it as Bihar and Orissa. Whereas, in Madras Sub-Collectors are included therein, which accounts for the difference in the strength of the cadres in the several provinces. I have another observation to make and it is this: hereafter it will be extremely difficult to Indian any clever one to come from the United Kingdom having regard to the fact that after this devastating war there will be fewer brilliant men there. In these circumstances it seems to me that the Government will have to be satisfied with the best Indian talent for a long time to come and for that reason I would urge that there should be an increasing proportion of Indians in the Civil Service. May I also point out that if the strength of the executive councils be increased it follows necessarily that in the administration also the Indian element will have to be strengthened. With these words I beg to support the resolution."

The Hon'ble Dr. T. T. Bhanu Prasad:—"Sir, I confess that I can accept this resolution only as a second-best. The real sentiment of the educated classes are those which are embodied in the resolution which was moved by my honourable friend on the last occasion. Sir, the moment you begin to fix a minimum or proportion you must recognise the fact that you are proceeding against the oft-suggested rule that only fitness and capacity shall be the basis for admission into the higher ranks of the Service in India but perhaps we must recognise that in the circumstances existing at the present moment we must be prepared to accept the second-best. Now, Sir, throughout the debate which took place on that occasion reference was placed upon the desirability of the British character of the administration continuing in India. Sir, history does not record an instance of one nation giving up its character altogether and assuming the character of another nation and if we analyse this argument we find that we cannot look forward to any time in the future history of India when Indians will have ceased to be Indians and become Britishers in character. It therefore follows that for all time to come we must be prepared to find this argument about the British character continuing to dominate the administration in India put forward. This will be, if I may draw an analogy from law, the worst of perpetration in politics. Undoubtedly there is an experiment which has been tried in India and which I submit should be taken into consideration. For 50 years from the year 1857 to 1911, what is now called the State of Mysore was under the British administration and in 1911, it was given back to the Maharaja of Mysore. Well, I take it that it requires some hardihood to maintain that the administration of Mysore after 1857 has suffered in virility of character or general efficiency. Thus only during this period that India has witnessed the spectacle of the State being ruled by such wise and far-seeing statesmen as Sir Shadri Appaiah and Sir Gopalaya Ayyar. Again we cannot forget that the administration of Mysore has since 1911 been in the hands of Indians, foreign capitalists have suffered or that their interests have been sacrificed in any particular manner. We have been under British administration, certainly for 100 years and we have been receiving education in our universities for about 60 years; we have daily been observing the course of British administration and coming in contact with British administration. It is quite of our long association with British administration and British traditions, we have not been able to alter our point of view in regard to certain matters, then I venture to think that even after 200 years the same argument will hold good, viz., that we have not absorbed anything of British character. Sir, we have been accustomed to sacrifice fair-play and justice and a complacency for the fulfilment of pledges with British character, and it is in this element of British character, that I would appeal on this occasion. I would sternly urge that

British Administration in India must rise above those petty considerations and must cease to argue in terms and out of terms arguments of the character which really are devoid of any merit; they must recognise that new forms have now to be reckoned with. They cannot always couch upon people accepting arguments which the Hon'ble Sir D. Wadia pointed out were urged 30 years ago and which are now urged again. They must bring any amendment to those who hold different opinions. On these grounds, Sir, I strongly support the resolution."

The Hon'ble Mr. KANAI KUNAL CHAKRAVARTY :—"Sir, I have to say only a few words. I think that the matter was fully gone into in the discussion on the earlier part of the resolution and has since been brought in the speeches of my honourable colleagues. I only wish to say that, that after the declaration of the other day by His Excellency the Viceroy of the goal of British Administration in India, and that it is a matter of progress towards that goal that Indians in steadily increasing proportions should be admitted into the higher grades of the various services and departments, and that if we are to make any progress at all, India must have an increasing number of men versed not only in the details of every day administration but in the whole art of Government. I say that after this you cannot resist the principle of the resolution, unless you are desirous to His Excellency. We are not surely raising any extravagant demands, trying to sack the British Officers altogether and monopolise all the higher appointments, but what we do ask is this, that you should give up a portion of the monopoly which you have been enjoying for the last 150 years. I do not think, Sir, that you exclude the representatives of Commerce and Industry, but still be allowed at the prospect of half the appointments being given to Indians that the capital which they have invested in the country is in any risk, and it may be pointed out as saying that that capital has been realised many times over in the shape of high profits and dividends which they have secured. But that apart, I submit, Sir, there cannot be any reasonable belief that the Indian officers of the Civil Service will do anything to diminish of their capital and if there was the slightest chance of that, why, the British portion of the service would protest it. With those few words, I beg to support the resolution."

The Hon'ble Mr. M. S. DASGUPTA :—"Sir, I wish to contribute only a word to the debate. In whole accepting myself with my honourable colleagues, I deem it my duty to point out that the proportion of one-fourth recommended by the Public Services Commission is wholly inadequate and is not sufficient to meet the growing aspirations of the people."

The Hon'ble Mr. MAHOMED N. HUSSAIN :—"Sir, I had not intended to take part in the debate on this resolution, because I think that the question of the exact proportion of Indians to be admitted into the Civil Service is one which should be very carefully and thoroughly discussed during the forthcoming visit of the Secretary of State to India, and I admit that it is a subject on which I have no fixed and firm opinion as to what the exact proportion should be. But the hon'ble member has asked why the members of the European community should regard with any reluctance the unrestricted admission of Indians into the Indian Civil Service, and why we should wish the process to be a gradual one, and I think that a similar question was asked by my honourable friend Mr. Burtin the other day. Well, Sir, I do not wish to take up the time of the Council by going over the ground again which was covered by the speech of my honourable friend Sir Hugh Ross and by myself last Thursday. But I do wish to give to Honourable Members just one reason which arose out of recent events, and in giving it I do not think that I shall say anything that should give legitimate offence to any one. We have recently heard and seen the discussion of the policy of passive resistance in the press and on the platform as a legitimate weapon of political agitation. I do not know exactly what was intended by the term but if it means anything at all, it implies deliberate resistance to and obstruction of Government in some shape or form. At the present time, Sir, the Empire is engaged in a life and death struggle for freedom and existence and needs the whole-hearted support of every one of its citizens in the prosecution of the war. I wish to say with all the earnestness at my command that this and of the Empire cannot be met and this duty of its citizens cannot be fulfilled by passive resistance or obstruction of Government in any shape or form whatever. My countrymen viewed with great regret as I greatly disapproved the discussion of a policy which they regard as wholly illegitimate and inconsistent with."

The Hon'ble Mr. WILLIAM VICKERS :—"May I rise to a point of order. I submit that the question of passive resistance has no connection with the question of admitting Indians into the Civil Service."

The Hon'ble the VICE-CHANCELLOR :—"I think the Honourable Member will recognise that the only question before the Council is whether the proportion of Indians and Europeans in the Civil Service should be half and half."

The Hon'ble Mr. MAHOMED N. HUSSAIN :—"I bow to your ruling, Sir, I was only trying to answer the question which was put by the hon'ble member. I therefore have nothing more to say except that my point was that the recent discussion of this subject was one of the causes of our misgivings."

The Hon'ble Mr. SYAMAJI BAY BHASAR :—"Sir, instead of regarding a silent voter which may indicate my lack of interest in a matter of such vital importance to my countrymen, I feel that it is necessary that I should give expression to my warm sympathy with the resolution which has been moved by my honourable friend. The expressed of placing Indians, I would say, important districts in charge of Indian officers has proved everywhere very successful as pointed out by Mr. J. N. Gupta, the present Officiating Commissioner of the Rajshahi Division,

in his evidence before the Public Service Commission during the early days of the Bengal partition agitation it was found that districts in charge of Indian officers were those which were more quiet and kept well in hand and which manifested fewer signs of restlessness or discontent as compared with the districts in charge of European officers.

"At present in Bengal there are two very important Divisions which have recently been placed in charge of Indian Commissioners and which are being well administered. There is no whisper of mismanagement there; nor is there any symptom that these Divisions are falling into pieces.

"As for the judicial administration of the country by Indian judicial officers, the universal testimony is that nothing could be better and that the administration of justice and of law by Indian officers has indeed proved very successful,—it has proved an unqualified success.

"Now it has often been said that the British character of the administration would be gone if a large number of Indian officers were employed. To that my reply is, that these Indian officers have received English training and by long association with British officers they have imbibed a good deal of that British character of which we ourselves have so much. They are, therefore, quite fitted to conduct the administration of District and Division admirably. Under these circumstances as the first resolution has been suggested, I give my hearty support to this alternative resolution."

The Hon'ble Rai Bahadur KAMRUPA SARKAR:—"Sir, I was almost going to rise to a point of order when my friend Mr. Sanyal in the course of his remarks as this Resolution intimated that the provinces of Bihar and Orissa could be 'independent'.

The Hon'ble Rai Bahadur B. N. SARKAR:—"I could also that the people of Bihar and Orissa were as loyal as any other people."

The Hon'ble Rai Bahadur KAMRUPA SARKAR:—"I am glad to have this disclaimer. Sir, I do not pretend to know much about the activities of Madras, but from what I do know of them I am sure my honourable friend that there is no chance, not the ghost of a chance, of Bihar and Orissa ever trying to initiate any province in those activities. Now as to the Resolution which is before the Council, I give my hearty support to it on behalf of the province which I have the honour to represent in this Council."

The Hon'ble Mr. MAHADEV HADGE:—"Sir, I am afraid I cannot support my friend the Hon'ble Pandit in this Resolution. When he moved last Friday that the Civil Service examinations should be held simultaneously in England and in India, I gave him my hearty support and I do not wish that the principle underlying that Resolution should be frittered away by the limitations which are contained in today's Resolution, and on this ground only I am going to vote against the present Resolution. Sir, what is the fear in the minds of my friends the members of the Civil Service which makes them oppose this Resolution? What is at the bottom of this nervousness? I believe they would admit that it is an injustice, a long-standing injustice under which the people of this country have been suffering. The fact is that the members of the Civil Service are afraid that if the examinations be held both in England and in India they will not be able to hold their own with the Indians and compete with them in the Civil Service examinations. Has the British Government come to this pass, that they are going to administer this country by a class of people who cannot compete with Indians intellectually? If the British nation has come to this pass, then I say, Sir, it has come to a very bad pass indeed. We Indians want no favour, we demand merely an act of justice and nothing else. We are not going to compete with us and those who succeed in them administer the country. We will not have inefficiency and incompetence in our Government. Sir, I have been told repeatedly, that the people of this country are not unanimous in their views and opinions. Hindus are fighting Mohammedans and Mohammedans are fighting Hindus. I wonder that there was a time in the history of India when the two communities did not pull on well together, but now that time has passed, and I believe there is hardly a Mohammedan, not even my friend the Hon'ble Mr. Shah, who would say that Hindus would not like to be governed by Mohammedans or that Mohammedans would not like to be governed by Hindus. The people of this country are absolutely united and they do not want that the services of this country should have any inefficiency or weakness in their midst.

"Sir, it is rather strange for me to get up and oppose my Honourable friend the Pandit, but I am afraid that the country will not approve of his Resolution and I cannot find it in my conscience to perpetrate inequality between Indians and Europeans as this resolution intends to."

The Hon'ble Sir JAMES DUNN:—"Sir, may I bring to the notice of the Council one important point which does not appear to have been considered at all? It might have come up before the Public Service Commission, but on taking up the Report I discovered that the Commission decided to have nothing to do with the Political Department to which I belong, as I did not read it with avidity, and indeed it would be waste of time to read it, if the opinions of certain Honourable Members are correct. The point is this. In the past of India from which I quote the people firmly believe and honestly believe that the Government of India, as at present constituted, is carried on by means of the 'Iqbal-i-Sikhar'. There is something apocryphal about this idea, and the people of the North-West Frontier Province think that this 'Iqbal' has been brought up by an infallible power higher than any man. As long as this 'Iqbal-i-Sikhar' is in the ascendant, as long will life and property be safe in India. Should the changes now advocated be followed by the disappearance of the 'Iqbal-i-Sikhar' it is impossible to conceive what might happen in this country, and for this reason alone opposition to the public service

in India should be interested with the closest care. It has been denied that the British character of the administration must be maintained and I presume that by this is meant the employment of Britishers to a reasonable extent in all the services. If this is really so, then there is ground for alarm. With regard to the safety of property, it has been suggested that in any Province it would be as well for some people to convert heavy goods into something portable to make them safe. I will here refer to a personal incident which arose on the morning it which the North-West Frontier Province is governed at present and for this reason I hope it may pass. Only in May last my gaiters and boots were taken by some robbers—and they were gone. Within three days of the robbery some of my Mahomedan fellow subjects arrived bearing news belonging to the tribe in which the robbers belonged, with the result that I got some news of robbers, which I would not otherwise have got. Such action though necessary, was quite legal and in accordance with the prevalence of a tiny band by means of which the Frontier is ruled at present. It is called the Frontier Crimes Regulations and in it will be found a good system of cooperation between the rulers and the ruled for the maintenance of order in any portion of the Province in which many members of the Indian Civil Service as at present organized have done a lot for its prosperity. It has also been said that because there were Hindus, Sikhs or Jats, there should be now or in a short time British members of the Indian Civil Service to rule over the North-West Frontier Province. Up to 1000 there were British in Glendhara, the modern Peshawar, but that is ancient history. It has also been mentioned that Jagjit Singh had an Agent in Kandahar, but I do not think this is correct. All I know is that in certain parts of the North-West Frontier Province Hindus have still to wear a distinctive head dress at the bidding of the Government, and only in recent times Hindus were only permitted to ride doliways, but this servile practice was put on end in the advent of the British Raj through the intervention of the Indian Civil Service.

"I hope, Sir, patience and toleration will always be the attributes of this assembly."

"The Hon'ble Mr. SHARADHAR SHARMA.—"Sir, I wish to make one observation in reply to the criticism which the Hon'ble Mr. Nathuram Singh passed on the resolution we are considering. I sympathize with his point of view, but there really is no objection on the part of the Honourable President of the demand made for simultaneous examinations. It is true we have the Regulations in this Council, but it is by no means believed that the Government of India and the authorities in England will fall on that account to give due consideration to the arguments that have been put forward. That Regulation is before them, we are not doubting it, but at the same time, considering the strength of the feeling on the other side, considering how strongly the question of simultaneous examinations will be opposed, it is necessary on our part to forward any alternative proposal that the Commission or the Government of India may put forward."

"I do not think there is anything wrong in doing so. It is not part of wisdom to go on saying 'simultaneous examinations, simultaneous examinations' over and over again, but to take the view that may happen, not only slaughter, but sweeping simultaneous examinations because out of the question when the whole matter comes up for consideration before the highest authority, should we not have something to say with regard to the alternative that has been proposed? The Commission have proposed a proportion of 50 per cent. Ought we not to say clearly what we feel on the subject of that proposal? And it is because of that I receive that the Hon'ble Pandit Madan Mohan Malaviya has thought it proper to bring forward this resolution."

"Hingor said so much, I also think, Sir, that there is something on the merits of this question to commend it to the favourable consideration of members on both sides. If we are not to have the moral and theoretical equality implied in the simultaneous examinations, there ought to be at least a numerical equality between Europeans and Indians, and that is what this resolution seeks for. We do not want to be put behind in our own country. That is all that we ask for in this resolution."

"The Hon'ble Khet Bahadur NARAYAN RAMANATHAN SHARMA.—"Sir, when I came to the Council Chamber this morning, I intended to give a silent vote in favour of this resolution, but, in view of what has fallen from the lips of my friend the Hon'ble Mr. Nathuram Singh, I think it is necessary to say a few words. My friend the Hon'ble Mr. Nathuram Singh has in his usually sober manner made it perfectly clear why it has been necessary for my friend the Hon'ble Pandit Madan Mohan Malaviya to put forward an alternative proposal. It is unnecessary for me to add anything to what he has said except this, that perhaps the Hon'ble Mr. Nathuram Singh has misinterpreted the speech delivered by my friend the Hon'ble Mr. Nathuram Singh. I, for one, think that he was addressing really not the Council but a certain section of the public outside."

"With those two words I support the resolution."

"The Hon'ble Sir DORABHAI WADIA.—"Sir, so far as I understand the present resolution it is this, that half the number of the members of the Indian Civil Service should be Indians. The objection urged against it is the maintenance of British character, that is to say, that the Indian administration should have as its chief characteristic British character. Well, Sir, I fully and very heartily admit that the British character of the Indian administration must be maintained. British character has done a great deal of good in India during the last 125 years. I believe, that for the good of India the stamp of British character on the administration should be maintained. I believe that, so far as that feature goes, even my Indian friends will not dispute the proposition. It is understood, of course, that the British character should be there. The question then is, why there should be any proportion? As I, Sir, said in my speech

The Hon'ble Sir Babdur B. N. SARMA :—" Superior posts."

The Hon'ble Sir WILLIAM VINCENT :—" I think the Hon'ble Member at that time did not specify superior posts; but, anyhow, I am mostly putting before Council what the facts are. Mr. Justice Bhabu was in favour of abridgement, but as an alternative he suggested that one-third of the cadre should be recruited in India. Sir Theodore Morson and Mr. Chelabai recommended that 25 per cent of the service should be Indian. Mr. Chelabai at the same time suggested that 50 per cent of the superior posts should, in this way, be reserved so as to secure a general rate of 25 per cent all round. He pointed out—and it is a valid argument—that the proportion recommended by the Commission really only meant 21 per cent of the total cadre and not—as people who examine the matter superficially might think—33 per cent."

The Hon'ble Mr. DONERAW WARRA :—" Sir, may I remind the Hon'ble Member of one thing, that in the minority report of the Commission half and half was suggested?"

The Hon'ble Sir WILLIAM VINCENT :—" I think I am correct in what I am saying, namely, that Mr. Justice Bhabu recommended one-third. If I am incorrect I can only express my regret, but I have checked the statement recently. Various Indian witnesses suggested either 55 per cent of the posts or 33 per cent."

"Now with all these various suggestions before us, supported by arguments of more or less weight, I think that it is a little hard to ask the Government of India to make on this subject any definite statement until they have consulted Local Governments and considered the very different requirements of different provinces. I am grateful to the Hon'ble Mr. Sarma for the comment which he paid the province of Bihar and Orissa. I am afraid, however, that I suspected that there might be something—shall I say?—some unpleasant motive for it. At any rate I acknowledge gratefully the pleasant part of it. The actual position in Bihar is this: there are approximately 269 million residents and about 169 civilians in the province. I am speaking here from recollection. There are about 1,200 or 1,400 civilians in the whole country for 215 million people. So the proportion is pretty well the same in Bihar as in the whole of the rest of India. The Council must also remember that Bihar is a very thickly populated country, so that its population is concentrated in a small area, and that in estimating the number of officers which is required for administering a province the question of area is of considerable importance. This is so for instance I believe in the Central Provinces. I think my Hon'ble friends from these Provinces will bear me out in this matter. Again, the Hon'ble Mr. Sarma compared my Province with the United Provinces. But it must be remembered—and this is a very important consideration—that in the United Provinces they have a temporary settlement except I believe in the Deccan Division, whereas in Bihar and Orissa there is a permanent settlement. In any case the arguments which my Hon'ble friend alludes would appear to me of any alteration in the proportion of Indians and Europeans."

"Now in dealing with the question of what senior appointments in the Indian Civil Service should be filled by Europeans in India, I think that the Council will admit there are certain points which will have to be considered. First of all, as I have said and I repeat, is the important question of retaining the British character of the administration. I do not say that this should necessarily be the determining factor, but it is a point which cannot be lost sight of if this country is to remain an integral part of the British Empire. Further the Government must consider British interests in this country. I do not say that they would necessarily be endangered by a change such as is contemplated. I do not want to suggest that. But I say the question of what change should be effected must be considered in relation to these and other important interests and the very grave responsibilities of the Government of India. I have been told that English capital in Japan and other countries does not need to be so protected. I dare say it does not. But those who have invested British capital in this country have invested on a very different understanding from that on which they invest in foreign countries, namely, on the understanding that the administration would continue British in character. I do not say necessarily in personnel. I think there is a great deal to be said for the argument that Indians who have been educated for some years in England might wholly or partially preserve that character—the British character of the administration—at any rate more effectively than Indians who are educated in this country. I do not know that this necessarily follows, but I think there is some force in this argument. Your outlook is widened and they do acquire a knowledge of facts and conditions outside this country."

"A second point but of importance that would have to be considered in this connection is the number of filled posts which would have to be or which would be handed to the subordinate services; and I think that the Council will recognise that officers who have rendered excellent service in the subordinate ranks are entitled to consideration. But I do not understand whether my Hon'ble friend the Poetist wishes to exclude those from his recommendations. I should like to be sure on that point. If they are included is this minimum of 25 per cent then this segment is of no weight at all."

The Hon'ble Poetist MADAN MOHUN MALAVIA :—" No, I want half the entire cadre to be reserved for Indians."

The Hon'ble Sir WILLIAM VINCENT :—" Including those filled posts or excluding them?"

The Hon'ble Poetist MADAN MOHUN MALAVIA :—" Whatever is the total number of posts reserved for the Indian Civil Service when the new constitution comes in, I want half of that number reserved for Indians who will be recruited in this country."

The Hon'ble Sir WILLIAM VINCENT:—"I again ask the Hon'ble Member, does he include the listed posts or does he exclude them?"

The Hon'ble Pandit MARAN MORAN MALAVITA:—"What I want is that whatever be the total number of posts which will be assigned to the Indian Civil Service, I want half of that number to be reserved for Indians who will be admitted in this country."

The Hon'ble Sir WILLIAM VINCENT:—"I must say that that is not an answer to my question."

The Hon'ble Pandit MARAN MORAN MALAVITA:—"I exclude them at present; what I say is that whatever number may be distributed upon eventually for the Indian Civil Service, I want half of that number reserved for Indians."

The Hon'ble Sir WILLIAM VINCENT:—"I wish I had understood my Hon'ble friend more clearly, but if the listed posts are included in the 50 per cent which he seeks . . ."

The Hon'ble Pandit MARAN MORAN MALAVITA:—"They are excluded at present."

The Hon'ble Sir WILLIAM VINCENT:—"If they are excluded, the Council must remember that a large number of posts must have to be reserved for those officers of the Provincial Service, and that even the number of Magistrates in the service will be diminished below even 50 per cent. And this is a question that will also have to be answered. I have pointed out that the requirements of different provinces will have to be considered. These are the reasons for our not accepting this resolution at the present stage. I do not know if it is necessary for me to answer the Council, as I have done frequently before, that the Government of India has an open mind on this question, and they will only decide it after consulting all the authorities interested. They have every desire to increase the number of Indians in the service with a view particularly to associating them in the government of the country and affording them opportunities of training and administration which they at present, at any rate in some branches of the service, lack; and I think the most satisfaction of the Secretary of State, which was, as Mr. Hastings said, in complete accordance with the views of the Government of India, indicates this clearly. The Government of India cannot however accept any resolution binding them in any definite decision at this point at present. I think however that the Council may rest assured that the Government of India are approaching this question in a very reasonable and really sympathetic spirit."

"I have now got before me the actual quotation from Mr. Hastings' report, which was the minority report to which my Hon'ble friend, Sir Dhanraj Wacha, referred."

The Hon'ble Sir Dhanraj WACHA:—"No. It was the Wally Commission Report; that was 20 years ago."

The Hon'ble Sir WILLIAM VINCENT:—"I beg your pardon; I understood you to mean this report."

The Hon'ble Mr. M. A. JAYAK:—"It seems to me, Sir, anxious to discuss these resolutions in view of the attitude of the Government which is now very clear, viz., that they are swaying the opinion of Local Governments and have not yet come to any decision. Therefore, it seems to me really that the time of the Council need not be taken up further. The other resolutions may be regarded as not expressed opinion on this side of the Council, unless the Hon'ble Members who are the sponsors of the resolutions think otherwise and wish to discuss them."

"With regard to this resolution, the Hon'ble Mr. Haggard said that as he voted for the first resolution for systematic examination to be held, not logically support this resolution. I certainly agree with him; strictly logically he is right; but supposing it is not possible for me to persuade the Government to accept the resolution of systematic examinations . . ."

The Hon'ble Sir WILLIAM VINCENT:—"Until we have consulted the Local Governments."

The Hon'ble Mr. M. A. JAYAK:—"Then it is best right that this Council should consider the alternatives and express its opinion, whether the alternative should be accepted or not. Well, the only objection that have been raised against this alternative are the mere objections, viz., that if 50 per cent of Indians got into the Indian Civil Service it would impair the British character of the administration. Well, Sir, I want to know what is meant by the 'British character of the administration' in the meaning of this phrase, European dominance? In the meaning of this phrase, colour? Or is the meaning of this phrase, those great qualities which have distinguished the European administrators of this country? If the phrase 'British character of the administration' means those great qualities, viz., upright character, honesty, integrity, high sense of duty, and I have no hesitation in acknowledging that many members of the Civil Service have displayed these in this country.—I am understood it. If an Indian also has those qualities, and if such Indians are the preponderant element in the Civil Service, does that mean British character of administration or not? Or most it means that we must have so many of a particular race or colour. If latter is the meaning, Sir, I strongly object to such a rule or standard. No man, no question of religion or creed has to be considered in appointing, our highest service. Efficiency is the only test and those qualities which I have mentioned above."

"I come next to the argument of the commercial classes which my Hon'ble friend Mr. Haggard represents. I have got very great respect for Mr. Haggard, Sir, and I know that he holds very liberal views. But I was really surprised that he should have brought in the question of private enterprise as an instance of law. The commerce of commerce might suffer. With very

great respect for him, I submit it is not only irrelevant but, if it had any relevancy at all at all, on might retort and say that some of the Anglo-Indians at the present instant notably 'Madras Mad' are pushing and are guilty of insubordination. But those questions really must not be mixed up with this question before us today. How is the commercial interest going to suffer? If you have seen who are competent and properly qualified in the service, how is the commercial interest going to suffer because they happen to be Indians. After all, it is nothing but the service we are recruiting, and why should there be any danger to the commercial community? What is going to happen to the commercial interests, I have not yet heard of. We have perfectly well that British capital is invested and employed in many parts of the world including India. For example, you have a large amount of British capital in South Africa where there is an overwhelming majority of Boers; and as a matter of fact we know that soon after the war broke out there was a great deal of disturbance there.

"Sir, as regards British capital, if this argument is to stand good what is and what will be the result? British capital on the one side, but what is it after all as against the enormous resources and stocks of the people of this country, and of the sons of this country? What is this British capital that is invited out over and over again? Are the interests of the people of India not to be considered? If you are going to apply this test of British capital in this country to maintain preponderant element of Europeans in the service, why all domineering you will never get over it. But when will the British capital disappear from India—God forbid I do not wish it to disappear. I want that more may come in. But if that argument is to stand good for having preponderant element of Europeans, then I say there will never be a change. I ask Sir, is that implied? I would cheerfully say that this argument is fallacious. All that we want is that the services may be recruited properly and efficiently. It is for that reason that Europeans are employed as foreign staff; but have you got the sons of the country who are capable and competent there is no justification for maintaining that there should be a certain number of Europeans. Therefore, Sir, I have no objection but in support of this resolution. I must say that I was opposed to any proposition being fixed in favour of Indians or Europeans, Sir, we must have justice. I do not fully agree with any system where a preponderance is laid down of any class, but if there is no other way, if there is no other course open, then I would vote for and support this resolution as an alternative resolution."

The Hon'ble Pundit MAMUN MOHAMMAD ALI:—"Sir, I think my friend Mr. Jinnah must be satisfied also by the speech that the House of the Council has just been solemnly taken up, the contribution he has made strengthens the resolution before the Council. We feel it our duty to lay our views before the Council because we knew that anyone here would be from a local Government and that the matter is being discussed. Therefore we desire to place the complete case, as far as it lies in our power, before the Government. I must say, Sir, that I was thankful to the Hon'ble the Home Member for the elucidating words of his speech where he said that the recommendations we were making will be considered in a reasonable and sympathetic spirit. I have no doubt that Government will give that consideration to the views we have placed before it. I wish that Government, and particularly the Hon'ble the Home Member, would approach the question in the spirit of those last words and would endeavour to find as many reasons to support our views as they do to oppose them. I am sure that with his great political acumen, his ability and long experience of the affairs of this country, he and his able colleague the Hon'ble Sir James Duffell are in the best position to lead. Their strong support to the cause of the educated community, we are satisfied with the decision we have heard today that they have promised to look at the matter in a very sympathetic and reasonable spirit. I beg to ask the Council to accept his proposals now far as on behalf of as Indians that we put forward this scheme as a spirit of hostility in European or the Civil Service; we wish to approach this question as would be done by private gentlemen who wished to dispose of it as friends and fellow-subjects. I shall be content to leave the matter in their hands; we have claimed no favoured treatment, we do not ask that our deficiencies should be admitted as against the efficiency of our fellow-subjects of Great Britain, what we ask is to equalize, as a general opportunity, for the more educated to be exempted from all that those who have served in it that test should be admitted as really as has been promised by Acts of Parliament and by the pledged word of the Sovereign of the United Kingdom. As regards the resolution, so far as Government is concerned, I did not expect that they would be able to make a definite pronouncement as to whether they will accept the recommendations—we are content with the assurance of the Hon'ble the Home Member that the matter will receive sympathetic consideration. But I have one or two observations to make in regard to the speeches of the Hon'ble Mr. Hogg and the Hon'ble Sir John Donald. The Hon'ble Mr. Hogg said that by appropriateness that there will be any untoward consequences arising from a large number of Indians in the Civil Service. I do not want to take up the question of passive resistance as it was depicted in an incident, but I am not quite sure that it was irrelevant. I think that our friends should express clearly what fears are in their minds so that we may be able possibly to help to remove them. I have very strong objections, I need not go into it at present, for stating that passive resistance is a thoroughly legal and constitutional method of drawing attention to grievances. But my friend should have that passive resistance was not preached in this country during the time of the war by the great bulk of our fellow-citizens. It was preached with reference to one unfortunate event which happily has now been solved. For the rest I would not say that . . .

The Hon'ble Mr. MAMUN M. HOSE:—"May I rise to a point of order. If I am mistaken in referring to this subject I think the Hon'ble Member should be in the same position."

The Hon'ble the Vice-President:—"The Honourable Pandit will no doubt recognise the justice of this intervention."

The Hon'ble Pandit MANU MOWAN MALAVIA:—"Quite so, and I shall be content to leave it them. I bow to your ruling, which I always do. I hope the words of the war have been met not by preaching passive resistance but by active, loyal assistance to Government, by contributions in money and men during the three years so as to ensure that victory shall secure the efforts of our allies. For the rest, I should like to say a word with regard to what fell from the Hon'ble Sir John Donald. He belongs to the Political Department and actually has something to say about the North-West Frontier Province. He says that people in his Province believe that it is by reason of *Ajmal* that the British Government is carrying on the administration. That is very true; the *Ajmal* of the Government is a great asset, a great political asset in the administration of this country, and my friend has a right to say that as long as the *Ajmal* runs there need be no fear; but that *Ajmal* runs not on British battalions but on British regiments and the people of this country feel that so long as the principles of justice and righteousness are the guiding principles of the administration the *Ajmal* of Great Britain will continue but the *Ajmal* may change and it may be that instead of the principles of justice racial pride and racial prejudice may be substituted. On this question nothing is more important than that the principles of justice should be the guiding principles in determining what policy should be adopted rather than racial considerations. My friend has spoken of the security of property in the North-West Frontier. I am sorry that he has referred to it because though he may take a different view, still we will have something to do with what has happened in the North-West Frontier from considerations made to us, not not at all more that property is so secure and safe as my friend would try to make out. I recently received a few communications from the residents of the North-West Frontier Province which led me to see a number of questions which of course in the experience of public interest were not allowed to be put in the Council, but that gave me very good evidence that life and property were not so secure in the North-West Frontier as my friend tried to make out. Now, Sir, there have been Mahomed raids and other raids, and the Hindu soldiers of the Punjab sent a memorial drawing the attention of Government to the very great risk to life and property there. We listened to some other remarks regarding the security of life and property, so I thought I would mention it.

"Then, Sir, my friend referred to the satisfaction of the people with the decision contained in the *Hydrabad* book called the 'Frontier Cases Regulations.' That satisfaction is not shared by Hindus, as I can testify from the personal knowledge that I have from respectable Hindu-Muslim residents in the North-West Frontier. I wish those Regulations would be revised, I hope they will be revised before long.

"My friend then spoke of the difficulties that would arise if a Brahman were to rule over the North-West Frontier Province. Well, he does not he will remember if I tell him that General Nauroz ruled over Afghanistan at one time, and he asked Prince Mirza Begh a favour to introduce his coin and there was a complaint in the connection. I might remind my friend, that General Nauroz had his coin introduced there. Even today I am certain that if Hindus who are fit by their education, their integrity and character are entrusted with the charge of the Frontier Province, they will not be found inefficient or wanting, and I am sure that Hindus and Muhammadans will be able to pull in as amicably as the British Officers and Muhammadans at Herat. I am strengthened in that view because though my friend referred to the privilege which is allowed to certain Hindus to sit on benches, he forgot that in Afghanistan itself Hindus held high office under the Amir. He also forgot that under Akbar Hindus held very high office, Raja Todar Mall and others were Ministers of government. He also forgot that in the Dominion of the Mughals the Hindus, very high offices have been held by Hindus for generations. There are facts which might render my friend of the advantage of the compromise which he introduced.

"Now, I will ask my friend one thing: Is he so sure that that partition, religious partition or prejudice, is confined to Hindus and Muhammadans alone? Has he forgotten that it was not very long ago in England there were so many disabilities under which the Roman Catholics laboured, that the highest and the holiest of the Roman Catholics were debarred from holding offices which they had a right to enjoy, and as my friend is sure that even at this moment that the Roman Catholics and Protestants have entirely bridged their religious gulf. I remember a case where a high scholar, a Protestant, would not receive a medical man, a doctor, because he was a Roman Catholic. It is in the case in the twentieth century among

The Hon'ble the Vice-President:—"I must point out that the Hon'ble Pandit's time is very nearly up and I shall not be able to give him any indulgence, as I consider that he is digressing a long way from the Resolution which is before the Council."

The Hon'ble Pandit MANU MOWAN MALAVIA:—"I shall thank Sir, before my time is up. But I will refer to this because my friend Sir John Donald . . ."

The Hon'ble Sir JOHN DONALD:—"All I meant was that it was because of the advent of the British Government the distinction between Hindus and Muhammadans were done away with."

The Hon'ble Pandit MANU MOWAN MALAVIA:—"That again is a statement which is more comprehensible than facts are justly, however, I do not wish to go again into the question of the distinctions between Hindus and Muhammadans. Sometimes Hindus ruled over Muhammadans and sometimes Muhammadans ruled over Hindus, and I think that these were

a great deal more happiness under those administrations than some of my friends are willing to admit. We are now sitting under Hindu rule not Mohammedan rule, nor under the European rule.—I hope we are under British administration and I hope that that will be made a reality, by a proper, reasonable, fair and an increasingly larger admixture of Indians in the services of India. That is my point. I will not dwell any longer on the character of the two administrations, British and Indian, which have been so fully dealt with. I shall be content if the Government will give the matter a reasonable and sympathetic consideration. With these remarks I leave the Resolution in the hands of the Council."

The motion was put and the Council decided as follows:—

April 21.		April 22.	
The Hon'ble Sir G. M. Chelveria,		The Hon'ble Sir William Meyer,	
" Pandit M. H. Mahaveya		" Sir Sankar Das Nayak,	
" Sir Tej Bahadur Sapra,		" Mr. G. H. Lowndes	
" Raja of Mahmoodabad,		" Sir George Barnes,	
" Mr. Krishna Prasad,		" Sir William Vassall,	
" Mr. Dinabhai Wadia,		" Sir Robert Gilpin	
" Rai Sita Nath Ray Bahadur,		" Sir Percy Lakin,	
" Maharaja Sir M. C. Nandi of		" Sir Reginald Gamble,	
" Kowloon,		" Mr. C. H. Kesteven,	
" Raja Rajendra Das of Kasba,		" Sir Versey Lovett,	
" Khan Zafar Ali Khan,		" Col. E. A. Ayton	
" Mr. K. K. Chanda,		" Mr. G. R. H. Fell,	
" Sardar Bahadur Sardar Sardar		" Mr. Dada B. Bhatt,	
" Singh,		" Mr. F. C. Wood,	
" Khan Bahadur Mirza Nizamuddin		" Sir James Duffell,	
" Shah,		" Mr. C. H. Low,	
" Sir Parsobh Churnabhai,		" Mr. H. Sharp,	
" Sardar Bahadur Captain Ajah		" Mr. E. A. Hunt,	
" Khan,		" Mr. H. F. Howard,	
" Rai Krishna Sahay Bahadur,		" Major-General A. H. Bagley,	
" Mr. M. R. Desai,		" Mr. A. P. Muddiman,	
" Rai Balan Das Bahadur		" Mr. M. H. Cuckman,	
" Bahadur,		" Mr. M. N. Begg,	
" Mr. M. A. Jinnah,		" Sir Hugh Drey,	
" Rao Bahadur S. N. Sarma,		" Mr. F. J. Madden,	
" Mr. K. V. R. Appayyer,		" Sir James Wilson,	
		" Mr. E. H. Webb,	
		" Sir John Russell,	
		" Mr. W. J. Hall,	
		" Mr. G. R. Atkins,	
		" Mr. C. A. Kinross,	

The motion was therefore negatived.

RESOLUTION RE AGE FOR THE INDIAN CIVIL SERVICE EXAMINATION.

The Hon'ble Mr. SASTRYA SASTRI to move the following Resolution:—

"This Council recommends to the Governor-General in Council that the Government of India do represent to the Secretary of State that the age limit for the Indian Civil Service examination should not be reduced as recommended by the Public Service Commission."

"We bring to move that this Council recommends to the Governor-General in Council that the Government of India do represent to the Secretary of State that the age limit for the Indian Civil Service examination should not be reduced as recommended by the Public Service Commission. In the history of this question there have been many changes of age for entrance to the Indian Civil Service examination. I will not, Sir, go back into the history except to remind the Council of the most principle recommended by the 1854 Commission, under Lord Mayo's, is the effect that what we want in this examination is to select the fittest product of the best English education. From that principle we have departed now and again, but not always to the greatest advantage. The chief change to which I must refer, especially in this discussion is the change that was introduced by the first time in the year 1878, when the age fell to 17 to 19. Afterwards, in the year 1890, as the result of considerable discussion it was once more raised to 21 to 23. Then in 1900 it was once more raised by a year and it stands now at 22 to 24. The evidence that has been given in favour of the reduction of age, in connection with the evidence against it is, I should think, both numerically and otherwise, weak. The question was discussed as I said before, in 1878, when the age stood at 17 to 19. In the discussion that preceded that change many Europeans and Indians were summoned, and I am convinced here only to point out that Lord Northbrook, summarizing the evidence, said this:—

"Out of 101 officers of all ranks, 5 either do not refer to the subject of age, or give replies of doubtful import. Of the remaining 96, only 27 recommended a reduction of the present higher limit, 36 would retain the present limit, and 33 would raise the maximum age, most of them adopting Professor Jowett's suggestion that it should be raised to 25."

"This was in 1875. Now during the inquiries that this Commission instituted the question was prominently asked of the witnesses likely to give verbal evidence. The result may be summarized as follows:—Out of 82 European witnesses who gave evidence regarding the Indian Civil Service, 20 were silent on the subject, 5 gave doubtful answers, and 57 were definitely against the Commission's proposal, that is in regard to the reduction of age. Only 50 were in favour of reducing the age limit to 17 or 19 or 18 or 20. In England, out of 59 witnesses examined, no less than 19 expressed themselves against it. Of those, with the exception of one witness, no one suggested a lower age than 23 or 22. The representatives of all the Universities, except the London University, were opposed to the age limit proposed by the Commission. Oxford and Cambridge were willing to accept the lower age limit if the Government considered them necessary from an administrative point of view, but their own opinion was decidedly against it. Recently we read in the papers that the University of St. Andrews had recommended the Secretary of State against the reduction of age and more recently still, within the last few days, we read of a Householders' conference in London which likewise protested against the reduction of age. In the face of this strong evidence, the Commission have recommended the reduction. The grounds on which they rest their case are briefly these. In the first place they say a man at 20 is more likely to be pliable and to be bent to the needs of Indian administration than a man might be at the age of 24 or 25. Now that is perhaps true to some extent. I will not dispute the principle of that proposition but it seems to me that that is a problematical opinion and it is too much to rest a case for the reduction of an age limit against which there is so much authoritative evidence on it alone.

"Let us, therefore, examine the other points urged. One strong point is this. That a man of 24 or 25 is more likely to get married than one at 20 or 21. Now, Sir, that is a somewhat foolish subject to deal with. Marriage brings its joys to all, I expect—I am thankful I have been blessed in that respect, but the Commission evidently think that it is bound to hinder the financial embarrassment into which a young man is led on marrying in India. These embarrassments, I suppose, Sir, with all due respect to the other sex, follow where a man marries in the first year or in the second or third year of his office. So that, unless the Commission makes their own remarks hereafter for a great part of their lives, I do not seem to see to be very wise to make a change like this because of the difficulties that a man gets into when he marries.

"Really, the strongest argument the Commission have put forward is this, that our year's probation in England is insufficient. They wish to have a probation of three years. Now, during the period of these years' probation, they expect that a very large number of candidates will proceed to the degree of a University (they also expect that they will be well trained in the use of different languages for which they may find use and that they may also learn some subject like English Law or Indian History with advantage. Now, let us examine this question of University degrees. I wish on this subject not to say anything of my own, but to quote merely from the opinion of Sir Charles Aitchison, which was recorded in the year 1884. At that time this very question was urged and he was considering whether, on account of the reduced age, boys had gone up to the University and taken degrees. He said:—

"The age, it appears, has been lowered, that the man may be sent to a University, and hence (so it is said) a University education cannot be secured for the candidates by any other course. Whether or not it is desirable that all the candidates should receive a University education is a point on which opinions may well differ; but in the argument as stated there is a confusion of ideas. University education is one thing; University residence is another. The benefit of University education is its benefit. The boys of 17 or 18 or 19 are recruited do not get the benefit of a University education because they reside at Oxford or Cambridge for two years while pursuing their special studies. There is not enough time even in those venerable schools of western learning to evolve culture out of Indian Law books and the Urdu Alphabet. If the young man has not been generally educated before he passes the open competition, he never will be. Obviously the general education which it is the function of the University to bestow should come first. The limit of age has been lowered in order that the general and special education may be mixed up together. The University education which is sought is not only not attained, but made impossible for all are too young to have gone through it. All that is obtained is University residence for youths who have been compelled to break off their general education at the time when its effect on the mind is of most consequence."

"The situation now, Sir, if the age limit were lowered, as the Commission recommended, would be identical with the situation of which the result was described by Sir Charles Aitchison in those words. If, then, this University degree question is put aside, what we have got left is that in the three years' probation our young men will have time to get up a knowledge of the Indian language. Now, I submit, Sir, with all due respect, that language should be learnt on the spot where they are spoken, as that when three young men are, nearly to come out in the course of a year or two, it is not necessary, I think, to spend much time, or long a time as three years at all events, in preparing them to learn languages where they could never acquire them in any good purpose. It is well known that English people are not endowed with much linguistic aptitude, and it is very doubtful whether native students in England will study Indian European students are likely to give them that real living acquaintance with the pronunciation of the word which they are required on the spot. For this purpose, then, a probation or a period of training in India would be far more useful than probation in England.

"Then, Sir, I have considered the question only from the point of view of the English candidates as far as the evidence is not strong enough in the case of English candidates that the favored age and the three years' probation which they will spend in England are not likely to be advantageous, and if the Civil Service as a whole is not likely to gain in efficiency on this account, the argument from the side of the Indian candidates comes in to reinforce my conclusion. From the Indian side, it is urged, and I think with experience behind it, that this favored age limit is likely to cut off altogether such chances as we have of obtaining any entrance from the English class. At the time that this was tried the result was that we obtained during the years 1876-1877 only 2.5 per cent of the successful candidates. Since the age limit was raised, we came to the usual percentage of 5.6.

"Now, the Commission have further complicated the situation by adding a requirement that holders of the age limit, such of the candidates should produce a certificate of having attended a recognized high school in England for at least three years preceding the examination. Now this is unjust, I think, for the reason that they do not want students to come up to the examination without having any English education. They want them to have received such high school education as the first-class institutions in England are able to afford. But what would be the effect on Indian candidates? They will have to go through at the age of 14 to 15, even earlier, at 13 or 14, if they are to be for three years in a school before being allowed to sit for the examination. Now that is a sheer impossibility. Of course the Government maintain that the Civil Service Commissioners should have power to exempt Indian candidates, if they are fit, from this requirement; but all the same that the Commission should not have thought sufficient of the requirements of Indian candidates is, in my opinion, a consideration that should weigh with this Council in settling this matter. I can say one of those who think that everything should be settled from the Indian point of view. There have been many entries in India who have attributed to the Commission a desire, a motive, to cut off the English door from Indian candidates. Now, Sir, I do not repeat it. It is a dangerous and baseless game to attribute motives. Nobody can penetrate beneath the surface of a man's action. But certainly in law there is a proposition that anything that is known to result from a course of action is intended by him who embarks upon it. The Commission themselves realize that the effect will be to minimize the chances of Indian candidates; they recognize it because they state their proposition in that clear way. At the same time they recommend it. We cannot, therefore, shut our eyes to the fact that the Commission intend that result to follow. I do not say that they intend to secure that result above everything else. They have other motives to secure, but this is one of the things, and I conceive, Sir, that it is our duty to consider, both on the one side and on the other, whether it is just in a matter of this kind, whether Indian opinion is as creative and liable to be upset, whether it is wise to neglect the Indian point of view altogether, whether it would not have been better, considering that the advantages of the advance of age are not overwhelmingly strong, and considering that the thing almost even on the one side and on the other, whether Indian opinion might not have been allowed to prevail in this matter. I think that is a point of view that will command itself to the members of the Civil Service and also to the Government of India. I therefore recommend this resolution, without saying more, to the Council in the full hope that it will receive the imprimatur of Government sympathetic consideration."

The Hon'ble Sir WILLIAM FORBES:—"Sir, I have explained the position of Government in regard to these resolutions as frequently that I am unwilling to do so again. But I should like in the same time to emphasize one point, that is, that I do think the Commission will serve a useful purpose in that they enable Members of this Council to put before the Government of India—and infinitely area before the authorities in the United Kingdom—arguments and opinions of great value. The Government will now have before it the considered opinion of a large number of Members of this Council, and I think I am unable to accept the resolution I hope that the Hon'ble Member will understand the reason for my not doing so at the present stage. I would emphasize particularly in connection with this resolution that the action of Government is in no way to be taken as indicative of any definite views on the subject.

"Further I may say that the Government of India do recognize that the Commission's recommendation regarding the age limit for the Indian competition is one of singular interest to India as it must seriously affect the numbers in which they can compete and succeed at that examination; and while we are not prepared fully to act upon the Indian recommendations of the Commission, yet the Government of India are also alive to the fact that there is a large and influential body of opinion opposed to these recommendations. The fact is that disadvantages as well as advantages attach to both the high and the low age limit. Surely, the arguments which influenced the Commission's recommendation were as follows: Recommendations should take place either at the school-leaving age or at the University graduation age, not be postponed. On the other hand, it is not advisable to bring out recruits to India after that might be somewhat reduced. From some points of view their age, in the opinion of the Commission, way of attaining the object in view, or the best way of attaining it, was by entering to the school leaving age. Now there is considerable force in these arguments and it cannot be denied that there are disadvantages attaching to a high recruiting age. But the Government of India are aware that both Indian Members dissented from these propositions, and as has been stated by the Hon'ble the Member, it is doubtful whether the weight of the evidence taking it all into account but according to its intrinsic value was really not against the view which the

Commission adopted. The number of applicants both in India and in England against the selection of the age limit is indeed remarkable. It has been strongly urged too that present day conditions and the difficulties of modern education demand that members of the Indian Civil Service should at the beginning of their Service possess better character, judgment, steadiness of purpose, self-control and that sound knowledge of men and affairs which are more likely to be derived from a complete and rounded education in the liberal arts and sciences. As has been pointed out by the Hon'ble Member, it is doubtful whether this education could be secured by training in special subjects after competition, and it may be argued that the possession of these qualities is more important than the technical fact that younger men are more adaptable, more receptive and more ready to learn the language and conditions of the East.

"Again, the Government are satisfied that great weight must be attached to the contention that the higher limits are more suitable to Indian conditions and cannot ignore the advantage of having a common age limit for all colonial offices. The difficulties that would beset Indian candidates who have to go home at the early age proposed by the Commission are indeed apparent, and they have been pointed out to you with greater ability than I could hope to do, by the Hon'ble Member."

"Lastly, I may observe that representations against the Commission's scheme have been received, as I think the Hon'ble Member said, from various authorities including the Universities of Edinburgh, Aberdeen and St. Andrews, and the Hibernian Council of the Oxford University. Such representations are entitled to great weight. I do not desire to take up further time with an exhaustive catalogue of the various pros and cons of this controversy. I want I have said enough, however, to make it quite clear that while we are not unaware of the advantages which might be secured by adopting the recommendations of the Commission, we are fully conscious of the disadvantages attaching to that system and of the advantages which might be secured by an examination at a later age, and we will attach due weight to all these arguments."

"Again, I should like, before I sit down, to repeat my statement on one point. The Government recognize very readily that this is a question on which Indian interest is naturally very keen and deserving of particular attention, and I can assure my Hon'ble friend and his supporters that we shall not lose sight of their interest in our deliberations on this question."

The Hon'ble Sir Balabhai B. N. Saxena:—"Having regard to the extremely sympathetic reply of the Hon'ble the House Member, I should be doing wrong if I detained the Council; but the very things that he has suggested to us, that the recommendation of the Commission will not be followed and the bona fides of the Indian public are put to the test by trying to strengthen the hands of the Government of India against the recommendation of a committee of the Public Service Commission."

"The Public Service Commission largely proved upon the view of some of the Local Governments and of administrators in high office, and the only observation I may be permitted to make in this connection is that the gentlemen who were responsible for the Government at that time were largely if not all gentlemen who had been trained under the old system when government was between 17 and 19. To see the words of Mr. Davidson, Master of Balliol College, Oxford."

"To 16 or 20 years time the man at the top of the tree in India will be naturally those appointed under the system of 1894, and if that is about inevitable all is not going so smoothly in the service they will be apt in their turn to attribute the defects to the recruit, if it should be new recruit, and the selection of school-boy age."

"Then, Sir, another argument which I may be permitted to urge in this connection is that there would be an alteration of policy every 25 years which is highly to be deprecated."

"The third argument which I would urge upon the attention of this Council is the fact that if we limit of 17-19 be accepted, that would correspond to the examination for the second class clerkships in the United Kingdom, and there would be a great danger of the service being largely recruited from the class which in England would compete for the second class clerkships. This is a point which has been pointedly drawn attention to in the evidence of Sir John Stothert—has also been pointed out—and this has not been alluded to pointedly in the Commission's report—that if the age limits were reduced it would be impossible to expect a large number of highly educated men to compete for the Civil Service. I am not now talking of Indian students: I am talking of purely British students and the type of men we are likely to get. It is absolutely necessary that the present limit should not be reduced. My Hon'ble friend Mr. Sood has already alluded to the difficult question of marriage. May I also point out, Sir, that heretofore the policy of the British nation would and must be to encourage early marriage as was done in America years ago and consequently the character of the Government has absolutely no force whatever at the present moment. I may also point out that when a young man has secured a permanent footing and stays in England for three years matriculation would be more active than when the apprenticeship period is only one year."

"I may also point out, with regard to the suggestion of some Members, that the gentlemen who have been coming out of late have not been as sympathetic as the older men; the younger men, with whom the Oxford Evidence spoke, repudiated with some indignation the suggestion that they have less interest in the country and less care for the Indians than their predecessors. There is also great force in the observation that the chief defect of the Indian Civil Service, as observed by outsiders, chiefly among the senior men, was their inability to see defects in the system, and to bring them out at a still younger age, while their minds were still more liable to be moulded into grooves, would only accentuate this."

"With regard to the type of men we have been getting, the evidence that was taken in London was almost unanimous that the best type that could be secured in England was being secured under the present system, and if there were no selection under the old system, still the average of the present system is considerably higher than formerly. This is what Dr. Warren says."

"My impression is that the rank and file were not so good under the old system. There were some failures. I should certainly say that under the present system India was getting from Oxford, and I believe it is the same with Cambridge, a very able, intelligent, moral, vigorous lot of men."

And the other professors also are equally emphatic. Professor Lodge says:—

"The majority of the men between 28 and 31 were on the whole less able and less thoroughly trained than the people who have been elected under the present system. At a lower age a young man is not qualified to judge of what his future career should be."

Then Mr. Stanley Leathes says:—

"To lower the age for entry is a leap in the dark to a large extent. At 22 or 23 the men are more formed and the results of the open competition are more certain at the later age than at the earlier age."

"There is another great difficulty that has been pointed out and that is that very special examinations would have to be devised in order to prevent the young men who have secured a place from being idle; and as has been pointed out by one of the Members of the Commission, Sir Murray Macleish in the past this experience was that it was very difficult to derive much experience. Then from the point of view of physical fitness the medical evidence was that it would be wrong to send these young men before 23; and if 27 to 19 to the age, certainly there would be a chance of a large number coming out at the age of 20 or 24 and the medical opinion as I have said is distinctly against any man coming out of this country at that age. As I have already pointed out, the administration has become more complex and it is absolutely necessary to get the best administrative men, more necessary than in the old days. May I say, Sir, that the recommendation of the Commission follows in a certain extent the old plan? The recommendation is that in England and in India thought that if they put their young men into the Universities they would be absolutely well for their careers. At present, I believe, the policy is that it is absolutely necessary to have a University education, and I think it is wrong to lower the age, because difficulties were found in some instances of the unsuitability of the young men to learn the drudgery of the routine. There are Indians to take up that portion of the work and I do not think therefore that it is a serious difficulty in the way. As we put by one of the professors, it is a leap in the dark and it might be that you may draw blanks or prizes under the system, that is proposed, much in the same way as many Hindus follow draw blanks or prizes in winning bridegrooms from school boys because of the fear that if they waited long enough they would not be able to procure eligible bridegrooms for their daughters. I know of many instances in which these marriages have ended unhappily. There was another idea at the back of the minds of the Commissioners, that they should spread the net as wide as possible in order to catch the best young men from England at as early an age as possible before the Hindu service becomes an attraction to them. But I fear that the result would be exactly as good as in the case I have illustrated already. I hope, Sir, that the Government of India will therefore positively decline to act upon the recommendation which has been made."

The Hon'ble Mr. M. R. Dasgupta:—"Sir, I desire to express my full sympathy with the Resolution just moved by my Hon'ble friend, Mr. Sankar. My friend has worked out his facts and stated all his arguments with such sobriety and moderation, and has given us many cogent reasons in support of his Resolution that it is hardly necessary to say anything further on the subject. Particularly after the very sympathetic and considerate manner in which the Hon'ble House Member has dealt with the question, any prolonged debate on this subject because of my experience. Drawing between the lines of the reply given by the Honourable the House Member it would be perfectly apparent to every one that the Government of India is conscious of the liability involved in the recommendation of the Public Service Commission. All the facts have been now laid before Government and we hope and pray that the Government of India will seriously consider the question of the grant of liability involved in this matter and will not give effect to the recommendation of the Public Service Commission. With these few words I warmly support the Resolution."

The Hon'ble Mr. SETHUPATHI SASTRI:—"I beg to withdraw the Resolution."

The resolution was by leave withdrawn.

The Council adjourned to Tuesday, the 25th September 1917.

Printed,
The 2nd October 1917.

A. P. MUDDIHAN,
Scrij. to the Govt. of India, Legislative Dept.

The Council met at the Council Chamber, Victoria Lodge, Pimlico, on Tuesday, the 26th September 1917.

PRESENT:

The Hon'ble Mr. G. R. Lawson, Vice-President, presiding, and 35 Members, of whom 47 were additional Members.

RESOLUTION AS THE APPOINTMENT OF A MIXED COMMITTEE TO EXAMINE THE WORKING OF THE INDIAN RAILWAYS ACT.

The Hon'ble Mr. M. A. Jafferjee:—“ Sir, the Resolution which I beg to move runs as follows:—

“ The Council recommends to the Governor-General in Council that a mixed commission be appointed to examine the working of the Indian Railways Act and to make their recommendations at an early date.”

“ Now, the Council is perhaps aware that when the Indian Railways Act of 1859, was passed we had two previous English Acts, one was the Act of 1843 and another of 1837. On examining the Indian Railways Act of 1859, I find that instead of following the model of the later English law, namely, the Act of 1843 the earlier Act of 1837 has been followed. That is an anomaly, which I have no doubt will be explained by the Hon'ble Member in charge. But it is quite possible that the reasons were that some of the guaranteed Railways, the Bombay, Baroda and Central India and the Great Indian Peninsula Railways were in different circumstances when the Government framed the Act of 1859. But, Sir, I submit that the time has come for considering that Act and particularly the provisions which will place the administration of Indian Railways on a sounder footing. Personally, I would like to see provisions inserted on the lines of the English Act regarding a permanent Commissioner to have complete jurisdiction on the Act. Perhaps, the Council is aware that Mr. Robertson was appointed some time ago to inquire into Railway administration and that after a very careful inquiry he made an important report in 1911. In that report he pointed out that the Railway Commission which is provided for in the Act of 1859, has never been taken advantage of for obvious reasons, and that under section 26 of the Indian Railways Act a Commission can only be appointed when asked for by the Governor-General in Council and what is more, it is an expensive, an costly, and probably the party asking for a Commission may have to pay its cost. Section 26 of our present Act reads thus:—

“ For the purposes of this Chapter, the Governor-General in Council shall, as occasion may, in his opinion, require, appoint a Commissioner styled a railway commissioner (in this Act referred to as the Commissioner) and consisting of one Law Commissioner and two Lay Commissioners.”

“ Then it provides for the mode

“ The mode of and incidental to any proceedings before the Commissioner or the High Court under this Chapter shall be in the discretion of the Commissioner or the High Court as the case may be.”

“ The point that I wish to bring to the notice of the Council—I do not wish to go into the details of the constitution of the Commission as provided for in this Act because it is quite unnecessary to go into those details—in that you have here a commission appointed if any body asks for it, it is not a permanent commission, under the statute, it is not a commission, as I shall point out to the Council, such as we have under the English Act. And, further, the point relating to the mode, is rather so important rather to consider. Now, Mr. Robertson, who as I told the Council before, had gone into this question at great length and this is what he said in his report:—

“ Under the provisions of the present Indian Railways Act, the setting into existence of the Railway Commission to have complete jurisdiction over the Railways is considered so costly as to be unworkable and the commission has never since been created.”

“ In his report he also recommended that to afford the public and the Railways the greatest advantages of which the commission is capable, it should be required to hold its sittings not only at a few chief centres but where exceptional circumstances arise at the place nearest and most convenient to the complaint, leaving regard to the general convenience of all others interested. Now the English Act of 1859 provides quite a different machinery, and that is contained in section 2 of the English Railways Act which constitutes the commission. Section 2 runs as follows:—

“ On the expiration of the provisions of the regulation of Railways Act, 1875, which respect to the commission therein mentioned these shall be established a New Commission styled the Railway and Canal Commission (in this Act referred to as the Commission) and consisting of two appointed and three ex-officio Commissioners, such Commissioners shall be a court of record.”

“ Section 3 empowers the Commission to hold sittings in any part of the United Kingdom, and in such place or places as may be most convenient for the deliberation of the proceeding before them.

"Therefore, Sir, when I urge is this, that instead of having a provision such as is contained in our subsection 28, we ought to have a permanent Commission which will be available in any emergency, and what is more, they are in any part of the country where the complaints can be heard and investigated. Mr. Robertson in his report made his recommendation and urged regarding this matter the following point which I shall give in his own words, Paragraph 61 of his report says:—

"The Commission, in addition to their duties on the Board, should be employed in association with a Law Member when a question of Law arises in Commission as for the purposes of Chapter V of the Indian Railways Act (IX of 1905) which regulates Railway Companies and Traffic facilities, the present Act does not seem to be free of the English Railway and Canal Traffic Act of 1885 in so far as to permit the Railway Commission always being in session."

"Another thing that I wish to bring to the notice of the Council is this. At present the control of the Government of India as I understand is all over the Railways. We know that some are not unknown where the Railway Board have been able to get round the Secretary of State for India in certain matters over the heads of the Government of India. As far as I understand, Sir, the Railway Board is not constituted or established as to give any control over it to Government under the statute, and the Agent or Traffic Manager of a Railway Company is not in any way subject to the control of the Government of India. I know that there is a Member in the Secretary of State's Council who is called the Railway Director, and through him, no doubt, the Secretary of State is very often approached and influenced, but I have not been able to find out any statutory power which vests in the Government of India any authority to interfere with the Railway Board or the Agent or the Traffic Manager of any Railway Company. I submit, Sir, that we ought to take more power and the Government of India ought to have more control over the Railways than it has at present."

"The next point that I wish to bring to the notice of the Council is this. The complaints which I would divide into various heads might be heard by this Commission, which I propose should be created by the statute. The complaints would be first of all from commercial and trading firms with regard to rates and with regard to petroleum which might be given, and in this complaint it is not unknown that sometimes preference is given and therefore it would be much more satisfactory if any such complaints were made to the Commission which would be an independent tribunal and it would hear both sides, namely, the Railway Company or those representing the company and the complainant."

"Then the next class which might be considered is this; passengers' complaints. With regard to passengers' complaints we know that it is a very well-known fact in India that there is a great deal of crowding, which is no doubt to any casual traveller at any station where travelling, and that is a matter which requires very careful attention and it ought to be put right. Then there are many other matters such as sanitation, lighting, sanitation, and particularly the refreshment rooms. These are only a few suggestions which I want to put before the Council to show why a committee should be appointed, and I do not say that every one of these questions will have to be embodied in the Act. These are some of the suggestions that I put before the Council in order to support my resolution that it is time that a committee should be appointed to consider all these questions and make such recommendations as the Committee may think proper with a view to modify the present Act of 1905. Then also the question of public safety may be considered. We know, Sir, that accidents happen and in the case of an accident at present, as far as I have been able to make out, you have merely the railway officials and somebody representing the Government or the Police. There are the two bodies who have any voice in the matter of inquiring into any railway accident. There again it is desirable in the case of any serious accident to have some non-official representative at the inquiry. There might be a panel, or there might be one or two citizens who should be associated with the Railway authorities, and they should have a voice in the inquiry in the case of any serious accident. At present, the inquiry is made by the Railway authorities and nobody else practically."

"Then the next question that is also of great importance is in regard to the railway employees. Now I am not dealing with the bigger employees, nor am I dealing with the clerks and railway officials, but the largest number employed by the Railways belong to the smaller class, namely, the labourers, and so far as these employees are concerned we know there have been strikes, and particularly a recent strike in Bombay, viz., the Great Indian Peninsula Railway strike. I am quite sure, Sir, that if there was any machinery such as Conciliation Boards or a Commission which could have been required into the matter, the strike would not have lasted as long as it did, and it was seriously a tremendous loss to the Railway which is after all State Railway, and a loss to those poor strikers. Perhaps the Honorable Member knows that outside of private intervention was objected to but eventually His Excellency the Governor of Bombay did to intervene and it was really that intervention which put us end to that strike. Therefore I say it is absolutely essential that there should be some machinery by which these strikes can be dealt with, and a body which would add the voice even between the Railway Company and the labourers should be constituted to deal with the matter. In the past I believe some such procedure was adopted. I think there were strikes in 1900 and 1907, and particularly I may mention the strike which took place on the Eastern Bengal State Railway when the engine and fireman caused a temporary dislocation, and also on the East Indian

Railway when the European and Russian drivers of the road struck, and that really was a very serious strike, and was only terminated by the appointment by the Government of a special Board of Conciliation based on the lines of the Board recently introduced into England to consider the representations of those men, and the Conciliation Board dealt with the question of higher pay, of mileage allowance and extra pay for working overtime and on holidays and so on. That was done in the case of the strike in Howrah on the East Indian Railway line. But there is no provision in the statute for it in India that was only done to meet that particular case. We know perfectly well that as we go on, although we do not wish to have these troubles and nobody wants these troubles less than I do, we know that the labour question must grow in importance. In England, where labour is so well organised and so powerful, you have notwithstanding that, provisions for dealing with these labour questions confidentially, and therefore I say it is essential that in this country we should have some definite provisions and machinery by which these questions can be dealt with. I would draw the attention of the Council to section 51 of the English Act, which lays down the provision with regard to complaints to the Board of Trade about unreasonable charges by Railway Companies. I do not wish to trouble the Council by reading the section which also lays down the machinery to deal with complaints about unreasonable charges by Railway Companies. It runs—

"The Board of Trade, if they think there is reasonable ground of complaint, may call upon the Railway Company, for an explanation and endeavour to settle any differences between the complainant and the railway company."

"You also find that, what is more, the Board of Trade—

"Shall from time to time submit to Parliament reports of the complaints made to them under the provisions of this section, and the results of the proceedings taken in relation to such complaints, together with such observations thereon as the Board of Trade think fit."

"Therefore I would submit that in all these matters, not only these complaints and these grievances, if any, put forward should be investigated by a proper body constituted under the statute, but the reports of the proceedings should be submitted to the Imperial Legislative Council."

"Well, Sir, these are some of the points which I submit are such as require very careful consideration and hence I submit, Sir, that our Act needs modification and reform. I would therefore ask the Council to accept this resolution."

"Then, as to the constitution of any Committee that might be appointed to consider these various points, I submit that it should be a small Committee. After all, on most of these points we have the model and the experience of England, and there would not be much difficulty in following that model and experience, save and except in such matters of detail where the circumstances and the conditions of this country are different. Therefore, I would submit that, that a very small committee should be appointed consisting of one member who should represent the commercial class, one member who should represent the travelling public, while the rest of the members of the committee might consist of representatives of the Government and the Railway Companies. But the committee should be as small as possible. There that committee, if they wanted any information, would take such evidence as they might require or ask for such information as they might require on these various questions. The reason I advocate a small committee is that it would be able to proceed without delay to inquire into the matter and make recommendations."

"The Hon'ble Sir George Baskin:—"Sir, if my Honourable friend has in mind the appointment of a Committee forthwith to overhaul the Railways Act of 1890, and to consider what amendments may be desirable I am afraid that it is not possible to meet his view, but if he likes to bring forward his resolution again after the conclusion of peace, I can promise him that it will be considered very carefully and very sympathetically."

"With a great deal of what has fallen from the Honourable Member, I entirely agree, but I do not think that the present time is the right time for action. As my Honourable friend well knows, the greater part of the Railways Act is of a highly technical nature, and it would not be practicable to attempt a revision without the skilled assistance of technical experts both on the committee and as witnesses. Now at the present time all our railway experts, all our technical railway experts have got more to do than they can possibly get through. Many of them have joined the Indian Army Reserve of Officers, and a still larger number are being employed on railway armistice work. It is so much that during the past year we have built 200 miles of railway in Mesopotamia, and all this length of line is manned by officials from the Indian railway system. East Africa too has drawn for its railway personnel upon India. Thus on the one hand Indian railways have been depleted of many of their skilled men, and on the other the Indian railways are carrying a heavier traffic than they have ever carried before. In these circumstances it would not be wise or right, to detach men from the urgent work in which they are engaged to discuss possible amendments to the Railways Act. I do not wish the Honourable Member to understand that I do not think that the Revision of the Railways Act is not one of the pieces of work which we ought to keep in view. The Act has been in existence for a long time, and like all other Acts requires to be kept up to date, but it is a good Act and on the whole has worked well, and I do not think that it can be said that there are so urgent grievances to remedy or wrongs to set right. If any such case for which legislative intervention I must point out that the remedy is legislation directed to those specific grievances or wrongs, and not a sweeping inquiry into all the details of a technical Act."

RESOLUTION RE THE CONSTITUTION OF THE CENTRAL RECRUITING BOARD.

The Hon'ble Mr. M. A. JAYAK — "Sir, I beg to move that—

"That Council recommends to the Governor-General in Council that the constitution of the Central Recruiting Board be modified so as to secure at least two Indian representatives of British India on the Board."

"The resolution is a very simple one and here my object is what the Hon'ble Member in charge of the Commerce Department said, viz., that we should concentrate all our attention and efforts on the war. The resolution is a very simple one. The Council is aware that sometimes ago a Central Recruiting Board was established in the Provincial Boards in various provinces with a non-official element in the latter. But the Central Recruiting Board has got no non-official element or British Indian representation; and I submit, Sir, that if you wish, as we all wish, to utilize the man-power of India, you should have on this board at least two British Indian representatives. I say British Indian representatives, because we have already got on the Board two Indian Princes. Therefore, in contradistinction to them, I use the phrase British Indian representatives. Now, the object of the Central Recruiting Board is not to be as follows:—The consideration of our requirements in military personnel of every description, combatant and non-combatant, and how these requirements can best be met; consideration of how the quotas required can be best distributed among the several provinces, so-indication of recruitment so as to ensure that the demands of the military services shall conflict as little as possible with essential industrial and economic requirements, since nothing of the progress of munition and consideration of advances for meeting necessary or potential demands for munition need be regarded in which the present system may seem inadequate; and lastly, to ensure in short that the promotion of the war is not hampered by any avoidable deficiency in management. Well, now, Sir, until I hear the Government, I cannot understand why there is not a single Indian representative on this Central Recruiting Board. I personally have not been able to find out the reason. You have similarly a non-official element in the Provincial Recruiting Boards; you have two Indian Princes on the Central Recruiting Board. Why is not an Indian associated with this Central Recruiting Board? Will he not be of help to you? Do you not wish to utilize the man-power of India, and will it not be of use to you if you have at least two Indian representatives on the Board? It is said, I do not say that this is correct, but it is said that India has not made her best efforts. On the other hand, when we want to utilize the man-power of India Government do not associate Indian representatives on a board of the kind."

"Sir, it will give the matter a great impetus and it will help the objects we have in view."

"Therefore I hope that this Resolution will be accepted."

The Hon'ble Mr. WILLIAM MEYER — "Sir, as President of the Central Recruiting Board I rise to explain why the Government cannot accept the Resolution now before me. I hope to be able to convince my friend the mover that in so doing I am not disregarding non-official co-operation."

"The Central Recruiting Board is, as he has implied, a central and co-ordinating body. It has to estimate, on information derived from the military authorities, the total number of recruits required for all purposes connected with the Army in and out of India, according to existing demands and these further demands which may possibly come upon us. Having then considered a lot the scale of recruitment in the various branches, combatant and non-combatant, should be during the next few months, the Board has to distribute this among the various Provinces with reference to their circumstances and potentialities, assigning to each province a quota which it is asked to obtain. The principal Local Governments have, for this object, established Provincial Recruiting or War Committees, and these bodies, in accordance with the express desire of the Government of India include non-official Indian representatives such as influential land-owners, large employers of labour and political leaders. The Government of India have also assigned to Local Governments the duty of the co-operation of non-officials in the actual recruiting work in the districts. It was explained that they might get great assistance from their non-official conditions."

"The object of the Central Board is devolution, providing so far as possible that each Local Government with the assistance of its Recruiting Board which, as I have said, contains a strong non-official element, should arrange for the obtaining of recruits in the manner best suited to local circumstances and calculated, as observed in a quotation Mr. Macmillan has quoted, not to interfere with the progress of essential industries. For such purposes the co-operation of a non-official element is clearly most advantageous in the provinces and in the districts. But the position is quite different in the Central Board itself which is only a small official body. This Board accordingly consists primarily of direct representatives of the Government of India, Civil and Military; and His Honour the Lieutenant-Governor of the Punjab, as representing the most important provinces in connection with recruitment."

"Then we have some Indian Princes who attend when questions relating to their States are under consideration. I have had it put to me in private conversation that it is felt that these Indian Princes ought not to interfere with the affairs of British India. The Hon'ble Member who sits on our Board would be the first to acknowledge that (which is); they have no duties to do that. But it is an important point and I wish the Council to appreciate it that our recruitment

questions are not confined to British India. We are asking the principal Native States also to supply quotas man by man for the various branches of the army and non-military services. It is most desirable therefore that we should have on our Board Persons who can speak with authority on behalf of the Native States—Persons who, like H. H. the Maharaja on India and H. H. the Maharaja of Bikaner, have rendered great personal services to the Empire; so that the presence of these Persons on the Board is really analogous to that of the Ruler of the Eschamant-Governor of the Punjab. They are representatives of Governments which are co-operating with us in recruiting work.

But non-official Indians from the Provinces stand on a quite different footing. I have already explained how much we appreciate their co-operation in the Provincial Recruitment Boards and in the actual recruiting work in the districts. They would be cut of place however in what is really an official control body; their assistance is fittingly rendered at another stage of the operations. I think therefore that the Hon'ble member will see that any non-officials of his Resolution does not involve the least work of confidence in non-official co-operation. What we desire is that that co-operation should be rendered where it can be most effective. For these reasons I am unable to accept the Resolution."

The Hon'ble PRADEE MANAN MOHAN MALAVIA:—"Sir, I must say that the reasons which the Honourable the President of the Central Recruiting Board has advanced will not entirely satisfy Indian sentiment generally. We do not want to offer any objection in the great darkness that is before the Central Board; the Resolution was moved with the desire for an opportunity being given to Indians to render such valuable services as they might be able to give in connection with the work. We are anxious to have signed, none can object, to the presence of ruling Princes on the Board; we are glad to think that they have availed themselves of the opportunity of rendering valuable services in the cause of the Empire in every way. The object of the Resolution was to give the representatives of British India, if there was any matter connected with the war in which their services could be enlisted as an opportunity of rendering such assistance as they could give in prosecuting the war to a successful conclusion. In matters like this the Central Board have to deal with sentiment, feeling, words for a good deal; those who are working in the provinces and in the districts have to work on the feelings of their fellow-men to induce them to make sacrifices for their King and country; that feeling would be strongly stimulated if the representatives of British India were taken into confidence in considering what the area of recruitment were. If the presence of such representatives on the Board in any way caused difficulties or they were out of sympathy in the task before the Board no one would wish to see them. But I think it would be recognized, that if there were two representatives of British India selected by Government or recommended by this Council on the Board, they might be able to render some service, humble though it may be, in the task that lies before the Board. It seems to me that the Government would yet reconsider the matter and if there is no difficulty in the way of accepting the suggestion, my except it; it would help to strengthen the feeling with which members in the provinces and districts are working to enlist people for the service of the King."

The Hon'ble Mr. M. A. JINNAH:—"Sir, I must confess I am not convinced by what the Honourable Member said on behalf of Government. I want to know if I cannot discover any real reason for not accepting the Resolution. What is the answer? His answer is that you have got a non-official element on the Provincial Recruiting Boards."

"The Central Recruiting Board is purely an official body and therefore in that body there is no room for a non-official. But, sir, what is the object of this Central Recruiting Board? The object of it is, I have no doubt, as stated, in the Government Notification. I shall read the Government Notification:—

"These Provincial Boards will help to keep the Central Board in touch with every aspect of the question and it is hoped that by getting the prominence of civilian opinion the necessary military requirements may be satisfied without disturbance to essential national interests."

"It will be seen that the functions of the Central Board are purely similar to those with which we are now concerned, every nation has feared it necessary to entrust to a special authority."

"Further, I want to know, sir, in England is not the non-official element associated with the Central Board? Is that purely an official body that works for the purpose of recruiting?"

The Hon'ble for WILLIAM MURRAY:—"In England the Central body is purely official."

The Hon'ble Mr. M. A. JINNAH:—"Well, if that is the case, my answer will be this, you must remember that the official authority there is differently constituted from the official authority in this country."

The Hon'ble PRADEE MANAN MOHAN MALAVIA:—"They are the elected representatives of the people."

The Hon'ble Mr. M. A. JINNAH:—"Yes, they are the chosen representatives of the people, they are elected by the people, and therefore it is a very different thing altogether. Now, the Honourable Member I think, by trying to camouflage it has caused himself. The Honourable the non-official element. I say that it will be understood generally that it is due to want of interest. That will be the interpretation. Therefore, sir, I am not at all satisfied with this answer and I feel very keenly about it. I say that the Indians ought to be represented on the Central Board and therefore I ask that this Resolution should be passed."

The motion was put and the Council divided as follows:—

April 18.

The Hon'ble Mr. Baldeva Shastri.
 " Sir Dinkesh Wacha.
 " Sir Dinkesh Bahadur.
 " Rai Shambhaji Ray Bahadur.
 " Maharaja of Kashi.
 " Khas Zolhar Ali Khan.
 " Mr. K. F. Chanda.
 " Khas Bahadur Mian.
 " Mahomed Shah.
 " Sir Parbhoy Chaudhary.
 " Sardar Bahadur Captain.
 " Ajah Khan.
 " Mr. Mahomed Haque.
 " Mr. M. S. Dadaaboy.
 " Mr. M. A. Jinnah.
 " Rao Bahadur R. N. Sarna.
 " Mr. H. V. B. Appangar.
 " Sir G. M. Chikoria.
 " Pandit M. M. Maheswari.
 " Dr. Tej Bahadur Sapra.

The motion was therefore negatived.

May 23.

The Hon'ble Mr. M. S. Crookman.
 " Mr. M. N. Nigam.
 " Sir H. Bray.
 " Mr. P. J. Moulton.
 " Sir James Walker.
 " Raja Rajendra Dev of Kanika.
 " Mr. E. H. Walsh.
 " Sir John Donald.
 " Mr. W. J. Reed.
 " Mr. C. H. Atkins.
 " Mr. C. A. Russell.
 The Secretary the Commissioner Chief.
 The Hon'ble Sir W. Meyer.
 " Sir Sankar Nayak.
 " Mr. G. H. Lowndes.
 " Sir G. Barnes.
 " Sir W. Vincent.
 " Sir Robert Gillin.
 " Sir Percy Lakin.
 " Sir Reginald Gwynne.
 " Mr. C. H. Kesteven.
 " Sir Viceroy Lowry.
 " Colonel R. L. Apple.
 " Mr. G. D. H. Felt.
 " Mr. D. de S. Roy.
 " Mr. F. C. Moss.
 " Sir James DuBois.
 " Mr. C. E. Low.
 " Mr. H. May.
 " Mr. R. A. Mast.
 " Mr. H. P. Howard.
 " Major-General A. H. Slogley.
 " Mr. A. P. MacLennan.

RESOLUTION AS WITHHOLDING APPROVAL TO LEGISLATIVE MEASURES REGARDING LOCAL SELF-GOVERNMENT AND PRIMARY EDUCATION.

The Hon'ble Rao Bahadur E. N. Sarna:—“ Sir, I beg to move the following resolution:—

“This Council recommends to the Governor General in Council that pending the settlement of a detailed scheme of post-war reforms the administrative approval of the Government of India to legislative measures relating to local self-government and primary education be withheld, and where sanction has been already given to recommend to local Governments the desirability of suspending further action with regard to such measures.”

“I think this is a Resolution which ought to be taken to the Government of India and to Local Governments because I think that if this Resolution is accepted, the administration will be allowed of some rest and will be able to give greater attention to war measures. But apart from that, I think that on grounds of sound policy there is much to be said in favour of this Resolution. I am not saying this in regard to any emergency measures relating to local self-government or primary education or any measures that do not deal substantially with the policy governing the constitution of local bodies, to local finance and taxation and the question of compulsory primary education on a large scale. I think there is good reason for stating that, in view of the co-ordination and mutual dependence of the various measures which form parts of the scheme of reforms which we expect to be announced, for introduction after the war, it would be wise that the Local Governments do not attempt partial remedies and introduce reforms which must necessarily be reversed when the larger policy dictates otherwise to be taken by the Government. I am not dealing now with private measures; I am dealing with Government measures. Let us take the question of primary education; whether it is to be financed from Imperial taxation or whether it is to be financed from Provincial taxation, or partly from local and Provincial taxation, whether it is to be an all-India measure making it necessary that there should be some uniformity in the method and manner of progress in the various Provinces. These are questions of vital importance which must be settled as soon as the war is over, and if I am encouraged in my hope that this question will be tackled in the manner it deserves from the sympathetic proceedings of His Excellency the Viceroy in the speech that he has delivered in the beginning of this session.

"Speaking of primary education His Excellency said that the Government had under consideration various measures of far-reaching importance which could not be considered at the present moment inasmuch as they had relation to other measures of a substantial character relating to education in general. It is, therefore, necessary, sir, before Provincial Governments are allowed to legislate in these matters that we should know where we stand, because if primary education is to be undertaken in all the Provinces from Imperial taxation, it necessarily follows that Provincial finance would be certain to some extent. Local finance would not be so largely available for that purpose, and it is so too presenting taxation by local bodies for this purpose. Questions of Imperial and Provincial finance are also largely dependent on what measures of reform are in contemplation at the present moment or are to be introduced at the end of the war. The question of Imperial and Provincial finance would have to be considered deeply when the constitution of the legislative bodies and the nature between the Executive and local Legislative Councils is taken up for consideration. Well, in view of these large measures in contemplation, I think, sir, it is necessary that matters dealing with such essential objects should for the present be kept in abeyance."

"One of the principal reasons why local self-government is in opinion of many not able to make rapid advance is that the local bodies have not had ample resources at their disposal and I know that several local Governments as well as the public have been denying various resources for their improvement. If that be so, sir, then I think it would be desirable that this question should be delayed until the end of the war. The same thing may be said with regard to the composition and constitution of the local bodies and electorates. The question as to whether these local bodies should be almost wholly elected or partly elected and partly nominated, and if wholly elected whether communal representation is to be given, are questions of far-reaching importance which must be considered both with relation to the Imperial and local Legislatures and local bodies. Then the question is how low down we shall have to go in the matter of electorates, and in the case of taluk boards and district boards. These are all questions which have reference to the composition of the local Legislative Councils also. And then the question would arise as to whether we should have to constitute a local Government Board in fact with such duties similar to the body existing in England if the Legislatures be given more powers than they are at present given with regard to local self-government. Whatever may be the future relations between the Legislature and the Executive, people feel that with regard to local self-government the Legislature ought to be and will be given greater powers than it possesses at the present moment. I think hope to reflect, then, sir, I think these measures will require modifications." It is with that object that I have given notice of this resolution and I hope it will commend itself to the Council."

The Hon'ble Sir SAMUEL NAIR:—"Sir, the Government cannot accept this resolution. My friend wants the Council to recommend to the Governor-General that the administrative approval of the Government of India may be required in the introduction of any measure of any Bill into the local Legislative Councils. These Bills in the local Legislative Councils are the result of long and careful consideration by the Local Government and they are sent up here for administrative sanction. Unless it appears that there are sufficient grounds for us to refuse administrative sanction to the introduction of any such Bill, we can scarcely do so. We do not know now what reforms are likely to be introduced and we are scarcely in a position to say at present that the Bills proposed to be introduced would be so very important to the reforms which may be subsequently carried out that we would be justified in telling the Local Government that they would be acting wisely if they did not introduce the Bill."

"It is possible but scarcely probable that a Bill might come up which is so utterly important to the spirit of the reforms which we think are likely to be introduced after the war that we might be justified in refusing sanction. On the other hand, if the Bill were introduced in the local Council it would be open to any member of the Local Council to move that its consideration be deferred. If it is not of an urgent nature, then the Council might do so or if in the opinion of the Council it is a retrograde measure or one of a controversial character it would be open to the Council again to defer consideration of the matter."

"So that it does not appear to me, sir, that the matter is one for the Imperial Government to consider at this stage."

"Then again I doubt whether my honorable friend has realized the scope of this resolution and the consequences which would follow if this resolution were passed. We have scarcely given sanction to a private member of the Bombay Legislative Council to introduce a measure referring to primary education which would allow local boards to introduce compulsory education if they can do so."

The Hon'ble Rao Bahadur R. N. SARKAR:—"I have excluded private Bills from the purview of my resolution."

The Hon'ble Sir SAMUEL NAIR:—"Then you have to modify the resolution. His Excellency the Viceroy has already announced to the Council that the measures which are being considered by the Government of India for the extension of primary education will not be introduced at present."

"The only other Bills are Bills which might be introduced by Local Governments. We have none such before us now. It is possible that some may come up hereafter, but if they do and when they do we can consider, as I have already said, whether we should advise the Local Government to put them off in view of the reforms which are to be introduced after the war. On these grounds I oppose this resolution."

The Hon'ble Mr. SACHINIA SARKI.—"Is it not the case that the Finance Commission have under consideration at the present moment two fairly considerable bills relating to the Municipalities Act and the Corporation Act?"

The Hon'ble Sir SANKARAN NAIK.—"I understood the Madras Government have these bills under consideration."

The Hon'ble Rao Bahadur B. N. SARMA.—"Sir, the Hon'ble Member in charge has assured us that, if any measures, which are important to the state of the reforms which are to be introduced after the war, are submitted for administrative approval, approval is not likely to be given. And having regard also to the observation that it is open to the Legislative Council to ask for an postponement of the consideration of such measures, and to the opposition to the resolution, I do not think any good purpose will be served by my pressing it. I therefore beg to withdraw the resolution."

The resolution was by leave withdrawn.

The Hon'ble Rao Bahadur B. N. SARMA.—"Sir, I beg to move my next resolution which runs as follows:—

"This Council recommends to the Government-General in Council that steps be taken with a view to raising the period for the establishment of applications for recruitment for the Indian section of the Indian Defence Force."

"I do not think, sir, that this is a controversial resolution or that it requires any very elaborate reasoning in support of it to be presented to the Council. I hope that the Government will be pleased to deal with the matter sympathetically, and that the Council will be able to give it its assent and support. It appears, sir, the Government which we all feel to make the Indian section of the Indian Defence Force the answer that it was intended to be. We share the regret expressed by His Excellency the Viceroy in his opening speech that the experiment has not been quite successful, and that with a view to making the experiment completely successful, to give Indians an opportunity for applying in large numbers, and thus make the Indian Territorial Army a reality, that this resolution has been proposed by me.

"It is necessary for me to go into the various reasons which have dissuaded Indians from coming forward for recruitment. The price has decreased from fifty. The matter is a controversial one and I do not propose to deal with that length. But I want to say, sir, that whenever we went on our recruiting campaign we were met by this question—expressed from the Indian student population: 'First we feel that the Government policy has been announced in the Indian Defence Force Bill. Secondly, now that the Government's policy has been announced in the matter and the establishment of ranks are thrown open to Indians, and this galling restriction has been removed, there is a better understanding between the Government and the people, and I am sure that the obstacles we have had to face hitherto have now been removed. Another thing that has stood in the way has been the misunderstanding between the Government and a section of the people during recent months to which I need hardly refer here. The atmosphere has since become clearer. There is perfect harmony between the Government and the people at the present moment, and I am sure we may expect greater cooperation among all sections with the Government in the matter of raising this important complete section."

"Then, sir, I may be permitted to state that before the statutory restriction which is the only bar at present existing is removed, the question of reforms also may be considered by His Excellency the Commissioner-in-Chief sympathetically. I put in interpellation the other day which has been maintained. I am not asking for any special treatment and I shall never ask for any special treatment, as between different portions of the Force which stand upon the same level of equality. But having regard to the different habits of the people to whom I referred, I said that the question as to what nations they should be given might be considered. Not that I wanted more for them, but that the quality of the nation might be slightly different from the nation which are supplied to the Indian Army. But that is a minor matter of detail, although it is a question of pressing importance in some quarters. I hope this question will be satisfactorily settled. Of course the nature of the fact that South Indian take is different from that of the Mohammedans just as the fact that Mohammedans take is somewhat different from the fact of people in Upper India or from the fact that Europeans and Europeans take. Some differences do exist and if only those differences be kept in view I am sure the difficulty can be easily removed."

"Now, sir, that most of the hindrances to recruitment have been removed, I hope the Government will be pleased either to extend the time by an extension, or by a modification of the present enactment, to give Indians the satisfaction of co-operating with the Government in this respect."

His Excellency the Commissioner-in-Chief.—"In their communication, dated the 21st March 1917, the Government of India fixed 6,150 as the maximum strength of the Indian portion of the Indian Defence Force. This number was fixed with reference to our general military requirements and the number which we could train, arm, equip and find accommodation for. As the Hon'ble Member is aware, the response to our offer of service was at first rather disappointing. In May the number of applications for recruitment rose under 600, but payable as the result of certain measures which were made in order to encourage the formation of University Corps, there was a great increase in the number of applications during the months of July and August, so that the total figures are now about 5,640, that is to say not very far short of the 6,150 which we originally asked for."

"We will not know how many of these candidates are fit for service until the results of the medical examinations have been reported to Army Headquarters. But even allowing for a large percentage of rejection, we anticipate that we shall have more or fewer candidates at our disposal than we can train during the next few months."

"The Government of India have accordingly decided not to extend the statutory period during which applications for recruitment can be received. To do so would entail inglorious action for which there is neither time nor justification at present."

"When the recruits of the first batch have completed their 30 days' training, we shall be in a position to judge of their military value and shall have gained some practical experience as to the best way of dealing with the various problems which will arise in connection with the administration of the Indian portion of the Defence Force. If, as the result of such experience, it is considered desirable to increase its strength, the Government of India will no doubt consider the question of increasing above 12 (1/2) of the Act."

"I am in sympathy with those Indians who cannot join the Regular Army but who are desirous of acquiring a military training, and as long as it is realised that this training must be a real one, designed to produce well-disciplined and efficient soldiers, the Honorable Member may rest assured that no obstacle will be placed in their way. But, as I have said on several previous occasions, there must be an drilling back to the proper standards of discipline and training of the old Volunteers Force, or any attempt to substitute part-time work for the period of continuous training which has been prescribed as the minimum requisite for the instruction of the Indian Defence Force recruit."

"I must explain, however, that our resources in the way of instructors, arms, and equipment are not inexhaustible, and that we have to employ them so that they may be utilised to the best advantage. One fact must be provided for the prompt and efficient training and equipment of the regular soldiers required for service overseas, that is to say of the men who do the fighting. The expansion of the Indian Defence Force, which can only be utilized for service in India, must, therefore, be regarded as a matter of secondary importance, and the extent of such expansion must necessarily be determined with reference to the general military situation and our military resources and requirements."

"I am, for the reasons I have indicated, unable to accept the Honorable Member's resolution at present, but the question of the extension or curtailment of the period will be re-examined next year, when we will decide as to the desirability or otherwise of taking action on the lines which he suggests."

"The Honorable Member will, I hope, accept my assurance that I am in full sympathy with this military training movement in which he is interested; and so far as I am not trained ourselves, equipment and so forth, he may rest assured that any suggestion he may put forward will have my sympathetic consideration, and that I shall make every endeavour to realise his wishes. In respect of the matter to which I referred before, when dealing with the same question, I am glad to see that my point of view are not so different as I thought at first. I regarded him as having recommended preferential treatment for different classes. I understood now that his point of view is a different one, and he may rest assured that while we must see that no preference is extended to any class, we will arrange to provide such class with such return as may be most suitable."

The Hon'ble Ben Bahadur B. N. SARMA.—"Sir, in view of the sympathetic sentence given by His Excellency the Commander-in-Chief that the question will be re-examined next year, I beg leave to withdraw the resolution."

The resolution was by leave withdrawn.

RESOLUTION OF SALARIES AND ANNUITIES IN THE INDIAN CIVIL SERVICE.

The Hon'ble Mr. SHANTANU SASTRI.—"Sir, I beg to move that—

"The Council recommends to the Governor-General in Council that the Government of India do request to the Secretary of State for India that no changes should be made in accordance with any of the recommendations of the Public Service Commission in the scale of salaries, or in the rules relating to the pension fund for members of the Indian Civil Service which would throw any additional burden on the resources of India."

"I am accepting a rather hard task, and I would ask the Council to remember what I said the other day, that I appreciate fully and sincerely the great benefit that India derives from the work of these various services. My objection, as time goes on, to those who have read all these resolutions that stand in my name will have discovered, is not only to my sorrow in the circumstances of the Indian Civil Service, it seems to me such increase in the emoluments of other highly-paid services as well; so that in moving this resolution I would beg the Council to take it that I am also referring indirectly to the resolutions that stand in my name with regard to the other services. There is not sufficient time during this session to go through all these resolutions suitable material. Therefore, what I say in respect of this resolution may be applied to other resolutions as well as a similar nature."

"I will first refer to certain figures which will show the present scale of salaries that obtain with regard to the Indian Civil Service, and take the opportunity also of stating by way of comparison the salaries that obtain in other places. Our Civil Service starts with a salary of £316 a year. In eight years on an average they rise to £593 a year and by seniority alone they may rise to £2,393 a year. Beyond that there are the prize posts to which an officer advances from £2,393 a year to £2,667 a year more or less. Besides these . . ."

The Hon'ble the VICE-CHANCELLOR:—"I think the Honourable Member means Rs. 6,507 a month."

The Hon'ble Sir JAMES DE BONTAL:—"The Honourable Member has not perhaps noticed the rate of exchange."

The Hon'ble Mr. SARDARVAH SARDAR:—"I was thinking of the salary of a Lieutenant Governor."

"Besides, the members of the service are in the enjoyment of a Family Pension Fund, the State makes some contribution, but the bulk is contributed by the members themselves. It is not possible to place in perspective the salaries drawn by the men who pass the same examination, viz., the Civil Service examination as England; they begin on £233 a year, in 10 years they rise to £260 after 20 years they get £1,000, and after that they get prize posts of £3,000 a year; after 35 years' service they can retire on £500 a year. It is not, however, proper to compare the Home Service with the Indian Civil Service because there are considerations with respect to service in the East which do not apply to service at Home and therefore certain allowances must be made for the great difference in the lives of those who enter the two Services. If we take the services of those who pass the same examination and enter the Straits Settlements and the Federated Malay States, we find a great discrepancy, so great that they start as against the £250, of the Indian Civil Service, on £250 a year, in 15 years they rise to £280, while the Indian Civil Service rise to that in 6 years, and they can rise after 20 years to £1,000, the highest post for a member of the Service in the Far East is £2,500. Let me take the case of Ceylon, there the starting salary is £200, in 15 years, the men rise to £400; after 25 or 30 years, the precise figure is not available, they reach about £1,000, the maximum salary for a member of the Ceylon Civil Service is £2,000 a year. These figures will show that the Indian Civil Service is paid a good deal more liberally than the corresponding service in the Federated Malay States or Ceylon, countries which approximate more or less to the conditions of India and so the comparison I think I cannot be said to be unfair. The attractiveness of the Indian Civil Service, considering the salaries alone, are great. In addition to the salaries, as Mr. Justice HALL pointed out, we have to consider the advantages which this Service enjoys, these are mentioned under several heads: allowances in addition to salary—frequency of leave and amount of leave allowances, passage and outfit money, period of probation during which they receive extra rates, the higher rate of salary while employed in training work, leave for official excursions for visiting themselves for duties while constitutions for the State in Family and other Provincial Funds, free medical attendance, favourable rates of exchange, out-of-pocket allowance, age at which the pension is paid, the amount of pension. In all these respects you will find that the Civil Service enjoys advantages denied to other Services. I would likewise mention the list of allowances to which the Members of the Indian Civil Service are entitled. I do not imply by any means that these allowances are given at the same time or at the same rate—housing allowance; personal allowance; special allowance; educational allowance; charge allowance; deputation allowance; home allowance; conveyance allowance; bonus and allowances; travelling allowance; postage allowance; bonus allowance; Presidency allowance; Frontier allowance; death allowance; indemnity allowance; out-of-pocket allowance; Probate allowance. The leave to which they are entitled is also of various kinds, some of these can be combined and others cannot be combined.—Privilege leave; furlough; special leave; extraordinary leave without allowance; leave on medical certificate; study leave; voluntary leave; I believe there is another leave called commutation leave."

"A word I now want say with regard to the salaries in the case of this service, the arrangements are somewhat peculiar. During the whole period of their service members are obliged to contribute 4 per cent of their salaries to their pension or annuity, it is calculated that this amount averages £150 or one-fourth of the annuity. It has been stated that when this contribution at 4 per cent first began it was calculated that the Government would have to contribute only £200 and that the rest would be made up by the 4 per cent contribution, but owing to the fall in exchange and other causes the value of the 4 per cent contribution has diminished by a half, so that the Government which began by contributing £200 towards the annuity is now contributing £150."

"The proposal of the Public Services Commission with regard to salaries is that a handsome should be introduced with a certain number of selection posts at the top. The result of this change would mean an additional burden to the tax-payer of India of 11 lakhs per year. With regard to pension, the proposal is that this 4 per cent contribution should be abolished and that the whole of the £1,000 should in future be contributed by Government. Thus, it is estimated, will involve the State in an additional cost of 9 lakhs per year. That this is by no means a necessary new justice allowed by two members of the Commission, Mr. Fisher and Mr. Ramsey MacDonald from whose opinions I would venture to quote. They are of somewhat different opinion that it is unfair to ask a member of the service to contribute this 4 per cent during the whole period of his work in India. They say that as he is free to retire if he pleases at the end of the fifth year of his service, this 4 per cent contribution should be made only up to that period that is for 25 years. I will only read that portion of the Report:—"

"Though the commission, namely, the abolition of the 4 per cent contribution would be greatly welcomed by the officers affected and is not in itself objectionable, the proposal to free the members of the Indian Civil Service from contributions to pension are generally regarded as satisfactory by young men who are considering an Indian career, and it must be remembered that if effect was given to the recommendations of this reform, Indian Civil Servants will be

before enter the service earlier, retire from the service earlier and draw the pension for a longer period. We are not therefore in favour of a general increase of the 4 per cent contribution. At the same time the requirements of the establishment from officers who have already served their full pension term as an open to objection on grounds of equity, and we would accordingly recommend that contribution to pension should be determined after the completion of the 55th year of service.

"These additional assessments would be justified if there were also proof forthcoming that the quality of the recruits that we are getting nowadays is inferior to the quality of the recruits of former times. There is no such proof. Some evidence was tendered one way and some evidence was tendered the other way. Two or three economists who were associated were not satisfied that there was a decided falling off in the quality of the recruit or even in the number of those who responded in the examinations. I would venture to quote in this connection an opinion which in a different context the Commission themselves have given as follows:

"But apart from this, —" this is what the Commission says:—

"But apart from this, we are fortified in our conclusion by facts well shown by the feeling which is borne out by evidence given, both in England and in India that, taken as a whole, the personnel now recruited has not in any way deteriorated and that India has been obtaining men who are keeping up the high level and the best traditions of the service."

"It therefore must take a very great deal of argument indeed to justify the great increase that the Commission have recommended in the emoluments of this service. But if it were otherwise, there are considerations on the other side to which I will presently draw the Council's attention. It is well known, Sir, that India is a poor country, the average income of an Indian inhabitant being stated at anything between Rs. 12 and Rs. 30 per year. Taking the maximum estimate as India on the average earns Rs. 2-8-6 a month, which means that, thirty millions of this country do not get even so much. The taxpayer, therefore, of this country is very small and it has been, I think, often admitted even by those in authority that the administration of India is now conducted on a level which the resources of the country do not justify. It is a top-heavy administration, and if it is proposed to add to the cost of administration, the reasons must be overwhelming indeed.

"But besides the poverty of the people generally, there is the question whether there is any room for additional taxation. If the proposals of the Commission are accepted, the State would be involved in an additional expenditure, on their own estimate, of about 450 lakhs. This, however, leaves out of account various items which Sir Mahender Bhawanji Chhabil has reckoned up. On his estimate the Commission's recommendations taken as the whole would increase the State in an additional expense of about 850 lakhs a year. Even his reckoning leaves one or two things out of account, which are indicated in their statement, but which on a loose estimate added to the whole, would bring us near to the formidable figure of a crore per year. Out of this amount the Civil Service accounts for 20 lakhs,—11 under the head of salaries and 9 under the head of pensions. Sir, this year and last year—taking the two years, we have had imposed on India additional taxation amounting to about 12 crores per year. If we are to incur the additional expenditure recommended by the Commission, it is scarcely possible to do so without laying more burdens on the taxpayer. What is the new source? Is it to be salt? We have just increased the salt tax although we were hoping that it would be reduced and reduced until it was abolished altogether. That is not to be expected. One kind has gone away! Even high authorities have admitted that it is impossible to put more burdens on the land and yet the Hon'ble the Finance Member is endeavouring to put more burdens on the land and say that if the war burden continued to grow as their did, it might be necessary even to have recourse to additional taxation on land. No one, I imagine, whether an official or non-official, could contemplate such a contingency with equanimity, but that might happen.

"Besides, Sir, the Civil Service is looked upon as the premier service in this country, and what the Civil Service does other services desire to follow. If the Civil Service enjoys these additional advantages, we must go through the whole course and offer the other services also the same course for which they have looked forward and which, more or less, the Commission seem to have allowed. Then how can we forget that time after time in the Imperial and in the Provincial Legislative Councils various proposals, good and weighty, for the amelioration of the condition of the people under the heads of Education and Sanitation, Medical Relief, etc., have come up but have always had to be rejected, not on the ground that they were not necessary, but on the ground that the State could not provide the requisite funds? Are these things to be postponed to the amelioration of the condition of a service which admittedly has not deteriorated in quality.

"Then, Sir, if any service are to benefit at all by any money that the State can spare, they are the services in which the Commission have not interfered, the law-past services in this country, the clerks, the constables, the poor schoolmasters and people of that kind at the bottom of each service, who draw very much less than a living wage and whom others have always been educated by Government, but secretly put off on the ground that the cost of increasing their salaries would be tremendous. In the case of a clerk whose salary goes down below 50 rupees, any additional rupee would mean that he and his children were less acutely clad; it would mean that he and his children lived in less insalubrious surroundings; it would mean that he was able to provide for his children less sufficient education. It cannot be said that an addition to the emoluments of the well-paid services will bring such solid advantages. It may increase their ability to save, it may increase their ability to indulge in luxuries, it will not enable them to live more active or useful lives, if only we consider the necessities of the sons,

Executive Council get Rs. 80,000 a year. Taking other Departments of the United States, the President of the General Navy Board gets 5,000; the Solicitor General 10,000 dollars; the Assistant Solicitor General 5,000 dollars. In Japan, the President of the Privy Council gets 5,000. Officials in the United States get from . . . to 2,000 pias. In India, the President of the Railway Board gets Rs. 50,000 per annum; the Secretary to the Government of India in the Foreign Department Rs. 45,000 per annum; the Secretary to the Government in the Army Department Rs. 42,000 per annum, and Secretary to the Government of India in the Commerce and Industry Department Rs. 38,000.

Now, Sir, as I submitted, there are two points of view from which the matter can be approached. In English University circles who join the services in other parts of the British Empire get as much as they get in India. If they do not and if they are willing to go and serve in those parts as much as other services, why would such high salaries be paid to them here? In the second place, I submit that if it should be found—which is against the evidence recorded by the Commission—that English youths do not care to come out to India on the salaries that are offered to them, that will not be a circumstance entirely to be regretted, because if the number of English youths who come out to India to join the Civil Service should somewhat diminish, all that would be necessary would be to make the field of recruitment in India. India stands on a very difficult footing now to what it did 50 years ago. With all the education that our youths obtain by going out of the country they are well able to fill up some at least of the positions which our friends, the Indian Civil Servants, have filled so long. Therefore in supposing that these salaries should not be increased, the Government should understand that we look at the question not merely from the point of view of efficiency, but also from the point of view of what the people can bear. We have clear evidence that efficiency will not suffer, that we shall not get less efficient youths than we are getting at present. We have also clear evidence in the statement which my Hon'ble friend has made before the Commission that in view of the great poverty of the people and in view of the activities of various Departments in the country, the addition of 600 Indian a year would be a most valuable one. It would not be right, it would not be just, it would not seem to be politic. We have had during the last two years a great deal of taxation added, and with the 150 groves contributed by the people towards the war for 24 years to cover the taxation that is maintained very high in order to pay 9 crores a year so as to make up that contribution. For 24 years with this high taxation maintained, what chance is there of raising any additional revenue to meet the very urgent needs of popular education, sanitation, medical relief and general advancement throughout the country. The Civil Service as such has rendered good services in India and it is deserving, and I hope and trust it will render even greater services during the next few years that lie before us; but that Service, I hope, will realise that if it cannot command a selection of the salaries which it has been drawing for the last few decades, it certainly ought to content itself with what it is getting at present. I realise that it is really responsible for the Government of India, as the Hon'ble the House Member said the other day in his speech; and being the Government of India it has to recognise more fully than I fear their claim to increase in salaries would seem to require—I say it should realise, and I hope it will realise the responsibility which lies upon it as to administer the finances, the taxes that are raised in this country, that they will promote the well-being of the people in a larger measure than they have yet done. We have an example with any member of the Indian Civil Service for the salary he may be drawing. Certain conditions were offered for service in this country; they accepted those conditions and went out. There is no doubt on our part to interfere with the conditions so far as those who have already entered the service are concerned. At present the only question we are discussing is that these conditions should not be made appreciably more favourable than they are at present; that in view of the great requirements of the country and in view of the poverty of the people, these conditions should be allowed to stand; and that there should be a steady and sure made to raise the expenditure by substituting and increasing the number of Indians qualified to take up appointments in the Indian Civil Service.

For these reasons, I hope, Sir, that the Government will give their most serious consideration to the question which the Resolution places before them. In the years to come what we are anxious about all things is that there should be cordial good feeling between educated Indians and the members of the Civil Service, to the extent that they will recognise the justice, the reasonableness of our claims in seeing that the salaries of the Service should not be increased, they will give proof of the fact that they really sympathise with the aspirations and requirements of the country; and to the extent that they do so they will earn the gratitude of the people. I hope, Sir, the Resolution will commend itself to the Government and will meet with their acceptance.

The Hon'ble Mr. DUNNAN WATSON.—"Sir, it is often said that India is a land of taxation and among the greatest of these anomalies are the excessive and unequal salaries. The services which the Indian Civil Service have rendered in the past are no doubt very great. It has been acknowledged so, not today, not yesterday, but for the last 40 or 50 years. It has been also said that the Service is the most liberally paid in the whole world. My friend, the Hon'ble Mr. Puri Maharaja, has just made a comparison of the salaries of high officials of States in different countries, especially in Japan. My friend, the Hon'ble Mr. Sastri, pointed out how the different services are paid in Canada and the United States. All this shows that even taking into consideration the fact of expenditure which is always treated as in this connection,—taking everything into consideration,—the Indian Civil Service, and all the other

signals services connected with it, are very highly paid. Not only are they highly paid; but were the course of the charges of the Civil Departments of the administration for the last 26 years traced and analysed—and anybody can refer to the officially recorded figures for himself—it would be seen that these charges are not only increasing one way or another. Appointments have been multiplied, reduced and altered specially. Technical appointments were greatly multiplied during Lord Curzon's time for the sake of what is called self-interest. That is one of the directions in which the charges have gone up higher and higher. I have been hammering at all these increased and charges for years past; I have written brochures on the subject; I have forwarded a plan of them to the Government of India. I have pointed out therein that while the revenue is increasing at a slow pace the expenditure is increasing at a higher pace, particularly in the civil administration. Take even the last ten years. You will find from the latest preliminary return that while the rates of revenue are rising at a lower percentage, that of expenditure is rising at a higher percentage. I have not, of course, the actual figures before me before me, therefore, I won't commit myself, but I assure this Council that if they analyse those figures they will find that these charges are running steadily, and that they are more than the revenue we afford. That is the case; and there can be no question that an impartial consideration—just a consideration of the kind of the Public Services Commission we have had which was never an impartial one in my opinion, because it was an inspired commission; vested interests like those of the Civil Service were greatly protected and not only protected but sought to be increased as we actually find from the Majority Report—I say this impartial commission were appointed, composed of men from outside India, men who have, perhaps, had larger experience of administration and the most of administrative of different countries of the world they would find that we can reasonably reduce the expenditure on the Civil Service. Remember, Sir, that this scale of salaries of the Civil Service was laid, years ago, somewhere about three-quarters of a century ago—I think it was in the time of Lord Cornwallis or Lord Bentinck; and at that time the great reason assigned for such large salaries of the Government servants, was the competition. At that time there was no Free Coast; there were very few steam navigation companies; besides, there were many other difficulties and inconveniences. Civilian were separated from their homes and families and frequent hardships were not possible. Taking these conditions into consideration the salaries were fixed at a high rate. Consider, Sir, what has happened now, 75 years have passed since the laying of the rates. The Free Coast has been in operation for the last 45 years. Navigation companies by hundreds have been started here, there and everywhere. Now Civilian can go today within a fortnight to his home and return within three months, so many Civilian and Judges of the High Court are actually doing every year, while drawing their full salary to which they are entitled on account of the privilege home. That being so, and under other special conditions, which were very hard to obtain in the days of Lord Cornwallis and Lord Bentinck, being available now, Civilian is Master of Bombay or Calcutta or any other Province now at any time they like to be in the midst of their duties. Yet, in spite of all these most favourable conditions, they continue to get the old rate of salaries and different kinds of allowances, which Mr. Sastri related in his speech. But it is of no use, saying well, for this is an old antiquated story of high salaries salaries and other charges of civil administration. We are helpless in the matter. We are helpless even today, notwithstanding our reformed Council. I doubt, whether this proposition will be carried, but even if it were carried I do not know whether the Government of India will give effect to it. There will be reasons assigned to disallow it. We all understand that those are old stories; and that there is nothing new in them. But times have changed, and I do hope, that the Government will take a very considered and reasonable view of matters, particularly having regard to the fact to which we alluded, Sir, before, namely, the comparatively poor ability of Indian tax-payers. What is that ability? Compare it with the ability of almost all other civilized countries in the world, and we shall find it most insignificant. It is a matter, a mere comparison with the results of countries like France, England, United States, Austria, and even Turkey I should say. That being the case, it should be always a consideration for the Government of India, if they are governed by common sense, that the ability of the taxpayer should be their first care in reference to the question of the salaries of Civilian.

"You say, perhaps, that old times have changed, and the time is come when the salaries should be raised with reference to the market rate prevailing all over the world. The market rate may be high or low; but for the salaries at the market rate. Further, I would say there should be no agreements and no contracts. These contracts are most burdensome, they bring in their train costly lawsuits, pensions, and a lot of other charges, I say all these must be abolished. Civilian members of the Government, of course, sit down for five years and pass Resolutions after Resolutions that posts of this or that character shall carry multiplied salaries of so much or so much. But they have no such consideration for themselves. The governing principle seems to be that times that have much shall be given more and those that have less shall be deprived of whatever the little they have. This is what they are doing now, particularly as far as the masses of the poorer servants are concerned. I consider, Sir, therefore, that a revised rate of consolidated salaries should take the place of the existing salaries and allowances on the basis of the market rate whether the supply comes from England, or Wales, or from Australia, or Canada or South Africa or even from Japan I do not care. India wants efficient but low costlier service from any place in the world. But we need not go to any place in the world at all; India itself has sufficient men to work at a salary lower than those prevailing at present. The next thing is that each post must be assigned its proper

indefinite worked salary. I do not know whether Members of the Government of India who are now drawing Rs. 4,000 per month or Rs. 5,000 really desire that salary? Suppose we advance for a House Member of the Government or for a Pensioner Member, except we give one for a less sum than Rs. 5,000? I submit, Sir, that I can get you from America a good Member or administrator for Rs. 3,500 or 4,000. I am talking frankly on this subject. The Civil Service has its traditions, and those traditions are that they must be kept out of the Government to guarantee. There is nothing new that from time to time those traditions are tested out. It has gone on for the last 75 years. Those Civilian traditions have become rooted; and whenever violent schemes are introduced, the reply is: "This is impossible, and that is impossible; you cannot do this and you cannot do that; the war is with us and we must not discuss this, that and the other." They are all more plausible answers to any suggestion. I am sorry to hear to say all this, but still we must frankly and express our honest convictions to the subject. If we are to express the feelings and sentiments of the Indian people generally, then, I do say that the Indian Civil Service ought to be abolished, and that a new service in its place should be created; and you can get a new service from any part of the world, if not from India alone, and that on lower salaries. That reconstructed service will solve largely the question of common employment, and at the same time save to the State a larger amount of revenue for which we are fighting. For these reasons, Sir, I think the time has come when the Government of India should take into consideration this particular suggestion of my friend, Mr. Butler. It is a very good suggestion. If it is importantly considered, I think that the Government of India ought to pay no heed to the recommendation made by the Public Services Commission, that about a score of reports of this nature should be added to the list of the 120 pages. With these remarks, Sir, I take my seat."

The Hon'ble Sir James Duffell.—"Sir, I think the Council will recognize that there are rather a large number of resolutions on the subject of the reorganization of the Public Services Commission, and that the burden upon the Hon'ble the House Member was somewhat serious, and he accordingly asked me to take down of these resolutions on his behalf. I think that this particular resolution is not quite on the same high level as some of those with which we have been dealing hitherto. The question of pay is not on a very high level nor an inspiring subject for members."

"The Hon'ble Member the other day referred to me as the colleague of the Hon'ble the House Member; I do not wish the Council to think that I am trying to take his place, I am acting under his orders in this matter. I find that the subject was not discussed in a very informal way for a member of the Indian Civil Service to have to talk about it. I think Hon'ble Members will agree with me about that. Those who assist the Council to serve justice for the country might feel in a little bit indisposed to have to talk about the fact that they are paid, those gentlemen who devote the whole of their lives to the interests of their country by seeing that agriculturalists are supplied with money in order to carry on the business of cultivation might feel it a little bit indisposed to have to discuss the amount of the profits they get and therefore I hope the Council will bear with me in the rather embarrassing position in which I find myself. The difficulties I have feared the greatest in the present case because I have to reply to me, the mover of this resolution, who perhaps more than anybody else is above such considerations, a man who is inspired by the later ideals of the Service of India Society."

"Speaking briefly I should like to say that the Government have already explained their attitude towards these questions several times and the attitude of the Government in the present case is very much the same as it was in the other cases, that is to say, they wish to hear what Honorable Members have to say, they are not at the present moment prepared to come to any conclusion, and they will not come to any conclusion until they have had an opportunity of hearing the views of Members of this Council and of consulting Local Governments. I think the Hon'ble the House Member was attacked the other day on the ground that in respect of one resolution that was before the Council he only gave the arguments or made a—I think that that is the almost necessary result of the position of Government. In this particular matter we have heard the arguments on the one side, and for that reason I do not propose to rule again to the considerations which have been urged by the Hon'ble Member, by Mr. Butler, Mr. Butler, Mr. Butler and by Sir Dinkar Wadia, but I will deal with certain considerations which may be mentioned to the contrary side of the question."

"The majority of the Government, as regards the salaries of officers holding superior posts, made their recommendations first with the intention of securing an approximate equality of prospects in between one province and another generally, of establishing the system by which the pay of certain appointments fluctuates according to the rates of pay fixed by officers not junior to the holder but to the officers holding them; thirdly, they wished to secure special appointments covering special rates of pay in the appropriate general class of the code. They also recommended that the graded system, which they found the subject of widespread complaint and on general grounds amenable, should be replaced for the future by an instrumental system of salaries divided into two compartments. As a minor point they proposed to merge allowance compensation allowances into pay. As regards the salaries of junior officers, they proposed the same instrumental rate of pay as has been applied to members of the Indian Civil Service excepted to the B-14th Department."

"Their reasons were that the next below rule which applied to certain appointments was based on the supposition that the fluctuations incidental to such a system would not result in rates of salary lower than those appropriated for superior posts, but owing to the fact that

promotion which had occurred, this expectation has not always been fulfilled, with the result that officers holding important appointments have in certain instances come to be concentrated on the basis of a scale fixed as suitable for Assistant Commissions. Similarly in the case of salaries of junior officers, the reasonable expectation of officiating in superior posts after the completion of eight years' service has in practice been frustrated owing to illness in promotion, and the majority of the Commissions remark that great dissatisfaction on this score undoubtedly exists throughout the service.

The Member Chetani was anxious that the minor proposals involving small increases of pay in superior posts should be carefully scrutinized but was willing, after hearing the evidence, to agree to an improvement in the pay of the lower grades of the service in view of the general rise in prices. He did not go so far as the majority but he admitted that there was a case for a certain rise of pay in the junior ranks. Mr. Abdur Rahim dissented from the majority but he had very little to say about the pay of superior appointments, he dealt with junior officers and urged that, if as suggested, the pay of these in the political cadre was fixed on a calculation of what members of the Indian Civil Service drew in the provinces, there need not be any extra cost at all in this direction. He overlooked the point that the pay of the political cadre was based upon a reasonable expectation, it was actually calculated on the figures of five representative provinces in showing what was a reasonable expectation, and the fact that the present proposals of the majority indicate that the existing pay is much less than it would be if the Political Department's individual rates were given to the Indian Civil Service shows, I submit, that they are getting less than they are entitled to expect. I think Mr. Mahomed Chetani left out a similar case. He said that the Political Department demanded an increase of pay equal to that of the Indian Civil Service. I think the fact that the political cadre was calculated on the three provincial averages shows that the Civil Service are not now getting what such a scale would be a reasonable rate.

"Then I think it is of little use to argue as does Mr. Abdur Rahim that because the personnel now recruited has not in any way deteriorated and because India has hitherto succeeded in obtaining men who keep up the high level of the best traditions of the service there can be no grievance to remedy or at any rate there is no necessity to take in any provisions."

"As I have pointed out, the majority of the Commission found that owing to illness in promotion the reasonable expectations of the services were not being fulfilled, and Mr. Abdur Rahim would perpetuate the present disability and maintain rates of pay lower than what was held to be a reasonable expectation at the time that the Political Department was dealt with. Whenever we have the case in the past, it seems to me to be inevitable that if a service as a whole considers that its reasonable expectations have not been fulfilled, discontent must arise, and it is inevitable that such discontent must have its effect in reducing the quality of the candidates appearing for the service in the future. The Commission definitely found that there were signs of that result already appearing and that young men were always a tendency to turn their attention to the Indian Civil Service rather than to the Indian Civil Service; and I think they pointed out further that there were other causes which were attracting men away in various directions at home and that therefore some of them were trying to get into the Indian Civil Service. The majority of the Commission definitely said that they were satisfied that nothing less than the terms which they proposed would re-establish the attractiveness of the Indian Civil Service."

"I do not think I have very much more to say but I will refer to some of the remarks that fell from the Hon'ble Member. When he raised this question he seemed to me to put his case rather too high. For instance, he referred to the President Fund as one of the advantages which the Civil Service enjoyed, but I think I am right in saying that the Civil Service pays for its own President Fund, there is no tax upon the Government, as has been the people."

"Then the Hon'ble Member urged that the salaries of appointments in the Indian Civil Service were less attractive than those of the home. I think there are a good number of men who are not prepared to come out to this country on any terms and they would prefer to take a very much lower reward and stay at home. I do not think therefore that the pay of the Indian Civil Service is a reasonable proposition. At first sight the comparison with Ceylon is very much more to the point. But I submit that the comparison is not complete when you take into consideration the standard of the two services. I do think that this is a matter which ought to be taken into consideration when you are deciding how the pay of Ceylon compares with the pay in India. It is not a question which I am prepared to discuss. I really cannot say whether you get the same class of men there or not but I think that that is a very important consideration."

The Hon'ble Member HANU MOHAMMAD MALAVIYA:—"They sit for the same remuneration."

The Hon'ble Sir JAMES DOUGLAS:—"That may be true, but it is the less highly placed men who get more that counts, that is the point. I do not wish to maintain that that service is of a lower standard, but I will suggest that it is a question that should be considered if any comparison is made. There may be some members of the Colonial service here and I do not want to wound their feelings."

"A point that I did not quite understand is a reference made by the Hon'ble Member to some figure of £5,000 which he stated."

The Hon'ble Mr. SRIWATANA SARKAR:—"I was referring to the salary of the Lieutenant-Governor. I understood the post is not reserved for the Indian Civil Service, but it is a post to which an Indian Civilian may aspire."

The Hon'ble Sir James DuBois:—"I beg the Hon'ble Member's pardon. I thought he was referring to the salaries of Members of Council which were to only 8,000 rupees per mensem, not possibly per annum."

"Then there was a reference to a figure of 11 lakhs for the improvement of the positions of the service. I want to draw attention to page 49 of the Report where you will find that the figure of about 6 lakhs is put down for the Civil Service special appointments. This includes over 14 lakhs on account of increasing the appointments hitherto held by members of the Provincial Service on a lower scale of pay into appointments to be held by members of the Bar on full pay. I think it is rather hard that this should be reckoned up against the Indian Civil Service. It also includes one lakh on account of improving the pay of certain 41 appointments to be held by members of the Provincial Civil Service. That is an improvement in the pay of the Civil Service as at present constituted. Then again on page 173 you will find a reference to about 200 lakhs which go to making up the 5 lakhs in detail, and among these I will just draw attention to the fact that Rs. 28,710 is for the grant of the equivalent of exchange compensation allowances to voluntary Natives of India. Here again I do not think it is quite fair to reckon this as an increase in the emoluments of the Indian Civil Service as at present constituted."

"Then again the Hon'ble Member very effectively quoted a long list of allowances which he said the Civil Service at present enjoys, but I submit we do not all get those allowances, but one or other of them may be given to miscellaneous cases. Another important point is that they are not allowances confined to the Indian Civil Service, the service with which we are dealing, but they apply to all the services in India, whether the Indian Civil Service, the Provincial Service, the Public Works and other Departments. In fact all the various services."

"The Hon'ble Member further suggested that it was wrong that the highest paid service, the Indian Civil Service, should receive any attention in a matter of this kind when the inferior services are very much worse paid, and he referred not only to the junior services but also to such services as the subordinate Police and others of a like nature and pointed out that there were the services which required the most attention. As I said, I am not dealing with these questions in any final manner, but what I do wish to point out is that most of the other services have received attention in the course of the last twenty years. The Hon'ble Mr. Ross tells me that the Public Works Department received some improvement in their pay 12 or 13 years ago, and the Hon'ble Member must be aware that the pay of the superior police appointments has also been very much improved. Similarly I think that other Departments have once more risen from time to time. So far as the subordinate services go, I feel very great sympathy with what fell from the Hon'ble Mr. Ross, but I do wish it to be clearly known to this Council that the amount of improvement that has from time to time been effected in the pay of the various subordinate police services is very great and it has indeed been the subject of considerable consideration in many provinces that the much money was being devoted to the pay and prospects of the police. We had a case only the other day in which the lowest rate of pay was increased from Rs. 3 to Rs. 12, and I think it was in the Central Provinces, the lowest rank of the police there thus got an increase of about 25 per cent of their pay straight away. And this sort of improvement in pay has been going on very frequently and steadily, in various parts of the country."

"Yet, I think, there is a certain weight to be attached to the remarks which my Hon'ble friend Mr. Dinshaw Wacha made about the pay of the Civil Service being fixed in the dark ages. It is the case that prices have risen considerably and what was fixed in right and proper in the dark ages cannot hold good at the present day. He also referred to a large increase in the number of technical appointments, but that is hardly relevant to the discussion of the question which is now before us."

"I admit that I was rather stupid when Mr. Dinshaw began to talk about the consolidation of the emoluments of the Service that he had something up his sleeve and saw enough of it came. So wants to abolish the whole Service."

The Hon'ble Sir Dinshaw Wacha:—"I say it emphatically, abolish it."

The Hon'ble Sir James DuBois:—"But I do think he ought to be a little bit careful before he imports a lot of dogmatism."

"I have not said anything, but, short persons, and I just want to refer to a point which has been brought out by the Hon'ble Member and to say that we pay roughly one quarter of the amount of the present emoluments and what is left is only the same paid as roughly as that of a military officer who does not rise above the rank of Colonel, and perhaps that is not by comparison is very attractive. I do not propose to detail the Council any longer but just wish to emphasize one more that in the remarks I have made. I have only wanted to put the other side of the question and to repeat that I have said do not propose to make up their mind about this matter till they have heard what is said on this Council, and they will then very sympathetically to anything that may be said, but at present they are not prepared to except the Resolution, and if it is put to the vote, they must resist it."

The Hon'ble Mr. Dinshaw Wacha:—"Sir, there is hardly much for me to say. As regards the reasonable expectations of the Service, I can only say that those expectations are not in my opinion so reasonable that they should be gratified at the expense of a poor country. If they are to be converted, one has an alternative; we can as soon for the maintenance of national honour as anybody; if there is a consent to say that every officer in the service shall in the eighth year of service be in the enjoyment of the emoluments of a superior post, we have no option but to get into it that post, but if there is no consent, however plausible the proposition may seem, it is not reasonable."

"As to the removal of grievances and disabilities, I should like to make one observation. Grievances and disabilities are easily created. If the Government of India are willing to listen to grievances from a certain quarter, you may be sure the grievances will be preferred in abundance. You may doubt the salaries and emoluments of the service and will be the source of two years there will be some disabilities, some inequalities to level, and the Government of India will be quick upon to take more money from the taxpayer. Within the last two years, Sir, the Indian Civil Service were allowed several lakhs of compensation for nothing but for promotion deferred."

"There is only one other thing I wish to say. I was speaking of the Family Pension Fund, I did not know that the Civil Service enjoy a provided fund besides. I was speaking of the Family Pension Fund, to which I said the State makes a certain contribution. If the State does not make any contribution, I withdraw that statement. But whether there is any contribution or not, the Commission propose that the whole management of the Fund should hereafter be a burden on the State which would amount to £30,000."

The Hon'ble Sir James DeBorja:—"Is not the Hon'ble Member referring to the General Provident Fund which is for other services than the Civil Service?"

The Hon'ble Mr. Sankarana Sastri:—"No, Sir, I was not referring to the General Provident Fund."

The Hon'ble Sir James DeBorja:—"I think I am right in saying that the State does not contribute to the fund of the Indian Civil Service."

The Hon'ble Mr. Sankarana Sastri:—"Sir, I ask you to put the resolution."

The motion was put and the Council divided as follows.—

April—17

The Hon'ble Mr. Sankarana Sastri.
 " Sir Bhagwan Wacha.
 " Sir Harshan Babubhai.
 " Rai Bhanu Day Dabholkar.
 " Mahuraj Sir M. G. Nandi of
 " Kumbhar.
 " Rajk Rajendra Rao of Kanchi.
 " Mr. K. K. Chanda.
 " Kishor Babdur Mani Md. Shaf.
 " Sir Pann Uday Chembhury.
 " Rai Krishna Babas Ushaker.
 " Mr. M. R. Huchday.
 " Mr. M. A. Jomah.
 " Rao Bahadur B. N. Sarma.
 " Mr. J. V. R. Ayyangar.
 " Sir G. M. Chittarai.
 " Pandit M. M. Malviya.
 " Dr. Tej Bahadur Sapru.

May—20

The Hon'ble Mr. M. E. Choudhary.
 " Mr. M. N. Hogg.
 " Sir Hugh Kay.
 " Mr. P. J. Mounkan.
 " Sir James Walker.
 " Mr. E. H. Welch.
 " Sir John Donald.
 " Mr. W. J. Reid.
 " Mr. C. H. Adams.
 " Sir William Hoyer.
 " Sir Sankarana Sastri.
 " Mr. G. R. Lowndes.
 " Sir George Darnley.
 " Sir William Vincent.
 " Sir Robert Gilho.
 " Sir Percy Loke.
 " Sir Reginald Gurnea.
 " Mr. C. H. Kesteven.
 " Mr. Varney Lovell.
 " Col. S. L. Alpin.
 " Mr. G. R. H. Fall.
 " Mr. D. de S. Gray.
 " Mr. F. C. Ross.
 " Sir James DeBorja.
 " Mr. G. E. Low.
 " Mr. H. Sharp.
 " Mr. R. A. Mait.
 " Mr. R. P. Howard.
 " Major-General A. H. Bingley.
 " Mr. A. P. Muddiman.

The voting was therefore as follows.

The Council adjourned to Wednesday, the 26th September 1917.

SINCE,
 The 26th October 1917.

A. P. MUDDIMAN,
 Secy. to the Govt. of India, Legislative Dept.

Acts of the Indian Legislative Council enacted to by the Governor General.

The following Act of the Indian Legislative Council received the assent of the Governor General on the 27th September, 1917, and is hereby promulgated for general information:—

ACT No. XXII of 1917.

An Act to provide for the acquisition of gold imported into British India.

WHEREAS it is expedient to provide for the acquisition by the Governor General in Council of gold imported into British India; It is hereby enacted as follows:—

1. (1) This Act may be called the Gold (Import) Act, 1917;
(2) It extends to the whole of British India, including British Baluchistan and the Bombay Parganas; and

(3) It shall remain in force during the continuance of the present war, and for a period of six months thereafter.

2. In this Act, unless there is anything repugnant in the subject or context,—

"coin" means metal used for the time being as money, and stamped and issued by the authority of some State or Sovereign power in order to be so used;

"gold" means gold coin or gold bullion;

"import" means the bringing by sea or land into British India.

3. (1) Subject to the provisions of this Act, the Governor General in Council or any person appointed by him in this behalf may, by order in writing, within ten days from the date of import, take possession of any gold imported into British India and such gold shall thereupon vest absolutely in His Majesty.

(2) Where any gold is taken possession of in exercise of the powers conferred by sub-section (1), the Governor General in Council shall pay to the owner thereof, on production of such documents as the authority making the order under sub-section (1) may require, a sum in respect of such gold calculated at such rate as the Governor General in Council may prescribe.

(3) If any dispute arises as to the fineness of any such gold a certificate of assay by the Assay Master of any Mint established under the Indian Coinage Act, 1906, shall be conclusive.

4. The Gold (Import) Ordinance, 1917, is hereby repealed.

A. P. MUDDMAN,
Secy. to the Govt. of India, Legislative Dept.

Import into, export, and acquisition.

Definition.

Power to take possession of imported gold.

111 of 1917

111 of 1917.
Repeal of Ordinance
111 of 1917.

The following Act of the Indian Legislative Council received the assent of the Governor General on the 27th September 1917, and is hereby promulgated for general information:—

ACT No XXIII of 1917.

An Act further to amend the Presidency Small Cause Courts Act, 1882.

WHEREAS it is expedient further to amend the Presidency Small Cause Courts Act, 1882; It is hereby enacted as follows:—

XX of 1912.
Short title.

1. This Act may be called the Presidency Small Cause Courts (Amendment) Act, 1917.

2. For the proviso in section 7 of the Presidency Small Cause Courts Act, 1882, the following shall be substituted, namely:—

XX of 1903.
Amendment of section 7, Act XX of 1912.

"Provided that—

(1) no person shall be appointed to be Chief Judge of a Small Cause Court unless he is—

(a) an advocate of a High Court of Judicature established under the Indian High Courts Act, 1901, or the Government of India Act, 1915, or

XX of 1901,
Amendment of section 7, Act XX of 1912.

(b) a vakil or attorney of one of the said High Courts;

(2) no person shall be appointed to be a Judge of a Small Cause Court unless he is—

(a) an advocate, vakil or attorney of one of the said High Courts, or

(b) a Judge of a Court of Civil Judicature of not less than 5 years' standing; and

(3) of the persons so appointed to be Judges, including the Chief Judge, not less than one-third shall be advocates of one of the said High Courts."

A. P. MUDDIMAN,

Secy. to the Govt. of India, Legislative Dept.

The following Act of the Indian Legislative Council received the assent of the Governor General on the 27th September 1917, and is hereby promulgated for general information:—

ACT No. XXIV of 1917.

An Act to amend certain enactments and to repeal certain other enactments.
WHEREAS it is expedient that certain formal amendments should be made in the enactments specified in the First Schedule;

AND WHEREAS it is also expedient that certain enactments specified in the Second Schedule, which have ceased to be in force otherwise than by express specific repeal, or have become unnecessary, should be expressly and specifically repealed; It is hereby enacted as follows:—

1. This Act may be called the Repealing and Amending Act, 1917.

2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

3. The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

4. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to; and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued, or incurred or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

AMENDMENTS.

(See Section 2.)

Year.	Number.	Short Title.	Amendment.
1870	VII	The Court-fees Act, 1870.	In section 7, clause (a), after the words "St. George," the words "the Presidency of Fort William is Bengal" shall be inserted; and for the word "Bengal," the words "Bihar and Orissa" shall be substituted. In section 3, for the words "Statute 24 and 25 Victoria, Chapter 104, section 15" the following shall be substituted, namely:— "section 15 of the Indian High Courts Act, 1861, or section 107 of the Government of India Act, 1915."
1872	IX	The Indian Contract Act, 1872.	In section 124, after the word "principal" the word "debtor" shall be inserted.
1907	X	The General Clauses Act, 1907.	In section 3, in each of clauses (2e), (2f), (2g), (2h), (2i), (2j), (2k), (2l) and (2m), the following shall be added, namely:— "as the Government of India Act, 1915." In section 5, for sub-section (2), the following shall be substituted, namely:— "(2) Where any Act of the Governor General in Council is reserved, under section 84 of the Government of India Act, 1915, for the consideration of His Majesty's pleasure thereon, then, if no later date is assigned, it shall come into operation, if assented to by His Majesty, on the day on which that assent is duly notified." To section 31, the following shall be added, namely:— "as section 24 of the Government of India Act, 1915,"

Short title.
Amendment of
enactments.
Repeal of certain
enactments.
Enactment.

Stat. Number.	Short Title.	Amendment.
1908 V	The Code of Civil Procedure, 1886.	In section 147, for the word "enjoined" the word "appointed" shall be substituted. In section 150, for the word "enjoined" the word "appointed" shall be substituted.
1912 VI	The Indian Life Assurance Companies Act, 1912.	In section 28, for the words "publish in the Gazette of India and cause to be published in the local official Gazette of the Province in which the life assurance company has its principal place of business" the following shall be substituted, <i>namely</i> :—" cause to be published in such manner as he may direct, a summary of " And in the same section after the words "the preceding year" the words "by every life assurance company" shall be inserted and for the words "such accounts, balance sheets, statements, statements or other documents," the words "such summary" shall be substituted.

THE SECOND SCHEDULE.

REVENUE.

(See Section 3.)

Year.	No.	Short Title.	Extent of impact.
1912	IX	The Indian Contract Act, 1872.	The second Illustration to section 21.

A. F. MUDDISAN,
Secy. to the Govt. of India, Legislative Dept.

The following Act of the Indian Legislative Council received the assent of the Governor General on the 27th September 1917, and is hereby promulgated for general information:—

ACT No. XXVI of 1917.

An Act to validate certain transfers of property made prior to the 1st of January 1915
WHEREAS it is expedient to validate certain transfers of property made prior to the 1st of January, 1915; It is hereby enacted as follows:—

1. (1) This Act may be called the Transfer of Property (Validating) Act, 1917.

Short title and
extent.

(2) It shall extend, in the first instance, to the United Provinces of Agra and Oudh, provided that the Governor General in Council may, by notification in the Gazette of India, extend it to any other part of British India specified in the notification.

2. Where a mortgage or gift purports to have been effected by an instrument executed prior to the 1st of January 1915, and such instrument is required by the Transfer of Property Act, 1882, to be attested, such mortgage or gift shall not be deemed to be invalid by reason only that any person who purported to attest such instrument as a witness did not see the executant sign it, provided that such person before signing his name on the instrument received from the executant a personal acknowledgment of his signature to the same.

Validation of certain
transfers made prior
to the 1st of January
1915.
S. 17 of 1912.

3. Where a claim under any such instrument executed prior to the 1st of January, 1915, has been wholly or in part dismissed, rejected, or withdrawn, after the 30th day of July, 1912, and before the commencement of this Act, in a Court of first instance or of revision or appeal, by reason only of the fact that some person who purported to attest such instrument as a witness, on having received before signing his name thereon a personal acknowledgment from the executant of his signature to the same did not see the executant sign it, the case may, if the dismissal, rejection, or withdrawal has had the effect of invalidating, in whole or in part, the said instrument as between persons claiming thereunder, be restored on review in accordance with the procedure provided by the Code of Civil Procedure, 1908, for review of judgments, on application in writing made within six months from the commencement of this Act; and on such restoration, the provisions of section 2 shall apply to such instrument:

Enlargement of
certain claims.

v. of 1908.

Provided nevertheless—

- (1) that every Court to whom such an application is made shall have a discretion to refuse the same if it is of opinion that such restoration would prejudice the rights of any transferee for value in good faith under any transfer made subsequent to the said 30th day of July 1912;
- (2) that in the event of a decree being passed upon such application in favour of the applicant or his legal representative interest shall only be allowed under such instrument at the contractual rate up to the date of the original dismissal, rejection or withdrawal of such claim, and for a period of six months therefrom and at the rate of 6 per cent thereafter until restoration; and
- (3) that in the event of the case being so restored the Court shall be bound by the finding of the former Court, by or before whom the case was dismissed, rejected or withdrawn, on any issue of fact which was heard and finally determined by it.

A. P. MUDDIMAN,

Secy. to the Govt. of India, Law & Order Dept.

(Republished by order of His Excellency the Governor in Council)

R. A. GRAHAM,

Acting Secy. to Govt., L. & M. (Legislative) Dept.